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The President

AMENDMENT OF REGULATIONS RELATING TO MIGRATORY BIRDS¹

BY THE PRESIDENT OF THE UNITED STATES OF
AMERICA

A PROCLAMATION

WHEREAS the Secretary of the Interior, under authority and direction of section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936, 49 Stat. 1555, the administration of which, as amended, was transferred to the said Secretary by Reorganization Plan No. II, submitted to the Congress on May 9, 1939, has adopted and submitted to me a regulation amending Regulation 4 of the Regulations approved by Proclamation No. 2345 of August 11, 1939,² which he has determined to be a suitable regulation permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of migratory birds and parts, nests, and eggs thereof, included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936, which said amendatory regulation is as follows:

AMENDMENT OF MIGRATORY BIRD TREATY ACT REGULATIONS ADOPTED BY THE SECRETARY OF THE INTERIOR

Under authority and direction of section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936, 49 Stat. 1555, the administration of which, as amended, was transferred to the Secretary of the Interior by Reorganization Plan No. II, submitted to the Congress on May 9, 1939, I, E. K. Burlew, Acting

Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, have determined when, to what extent, and by what means it is compatible with the terms of said conventions and act to allow the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such birds and parts thereof and their nests and eggs, and the exportation and importation of such mammals to and from Mexico, and, in accordance with such determinations, do hereby adopt the following amendment of the Regulations relating to migratory birds and certain game mammals approved and proclaimed August 11, 1939 (4 F.R. 3621 DI), as a suitable regulation permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of said migratory birds and parts, nests, and eggs thereof:

The second and third paragraphs of the Subtitle "Waterfowl, Wilson's snipe or jacksnipe, and coot" of Regulation 4, "Open Seasons on and Possession of Certain Migratory Game Birds", are amended to read as follows:

In Maine, Michigan, Minnesota, Montana, New Hampshire, North Dakota, Vermont, and Wisconsin, October 1 to November 14.

In California, Colorado, Connecticut, Delaware, Idaho, Illinois (except coot in certain counties as hereinafter provided for), Indiana, Iowa, Kansas, Kentucky, Massachusetts, Missouri, Nebraska, Nevada, New Jersey, New York, including Long Island, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Da-

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¹ This Proclamation affects Parts 1 and 2 of Title 50 of the Code of Federal Regulations.

² 4 F.R. 3621 DI.



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kota, Utah, Washington, West Virginia, and Wyoming, October 22 to December 5.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, this 27th day of September, 1939.

E. K. BURLEW,

Acting Secretary of the Interior.

AND WHEREAS upon consideration it appears that approval of the foregoing amendatory regulation will effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby approve and proclaim the foregoing amendatory regulation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 28th day of September, in the year of

our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT

By the President

CORDELL HULL

Secretary of State

[No. 2367]

[F. R. Doc. 39-3631; Filed, September 30, 1939; 1:02 p. m.]

EXECUTIVE ORDER

DESIGNATION OF THE DIRECTOR OF THE BUREAU OF MINES TO ACT AS SECRETARY OF THE INTERIOR, OR AS UNDER SECRETARY, FIRST ASSISTANT SECRETARY, OR ASSISTANT SECRETARY OF THE INTERIOR

By virtue of and pursuant to the authority vested in me by section 179 of the Revised Statutes (5 U.S.C., sec. 6), I hereby authorize and direct Dr. John W. Finch, Director of the Bureau of Mines of the Department of the Interior, to perform the duties of the Under Secretary of the Interior, or the First Assistant Secretary of the Interior, during the absence or sickness from October 1 to October 31, 1939, inclusive, of the Under Secretary of the Interior, or the First Assistant Secretary of the Interior, or the Assistant Secretary of the Interior, and during the absence or sickness from October 1 to October 31, inclusive, of the Secretary of the Interior, the Under Secretary of the Interior, the First Assistant Secretary of the Interior, and the Assistant Secretary of the Interior, to perform the duties of the Secretary of the Interior.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

September 30, 1939.

[No. 8265]

[F. R. Doc. 39-3632; Filed, October 2, 1939; 9:59 a. m.]

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 83—SALE OF SURPLUS OR UNSERVICEABLE PROPERTY¹

§ 83.2 Authorized methods of sale—surplus property.

* * * * *

(e) Procedure when sealed bids are invited—(1) Advertising for bids.

* * * * *

(ii) Other special conditions. Every invitation for bids will contain the fol-

¹ These regulations supersede Part 83, Title 10, of the Code of Federal Regulations.

lowing special conditions in addition to such other conditions as may be prescribed in accordance with paragraph 14a (2), A.R. 5-50.²

All property listed will be available for inspection for a period of ----- preceding the sale. Prospective bidders are urged to inspect the property at its place of storage prior to the sale. Failure on the part of any purchaser to inspect any property will not be considered ground for any claim for adjustment or rescission.

All property listed will be sold "as is, where is" at its place of storage without warranty or guaranty as to quality, character, condition, size, weight, color, or kind, or that the same is in condition or fit to be used for the purpose for which it was originally intended, and no claim for any allowance upon any of the aforementioned grounds will be considered.

The successful bidder will be notified in writing of the award, which will be made in accordance with the terms and conditions set forth in this invitation for bids. Upon receipt of this notification he will pay the balance of the sale price within the specified time and will furnish the necessary shipping instructions. No property will be removed by the purchaser and no shipment will be allowed to go forward prior to full payment of the purchase price and any other charges that have accrued under the terms hereof. Payments will be made by cash or certified check drawn in favor of the Treasurer of the United States in all sales of \$1,000 or less. In sales over \$1,000, payment may be made by an irrevocable letter of credit drawn on a member bank of the Federal Reserve System in favor of the Treasurer of the United States. Drafts or checks of any kind drawn under a letter of credit will be made payable to the Treasurer of the United States.

(f) *Procedure when bids at public auction are invited.*

(iii) The following special conditions will be included: Prospective bidders will be required to deposit ----- as a guarantee of good faith. Upon making this deposit each bidder will be given a numbered paddle. No bid will be considered without the showing of this paddle. Unless the deposit is required to cover payment for supplies purchased, it will be returned to a bidder upon completion of the sale and return of the paddle. The successful bidder must pay the purchase price within 10 days of the date of sale. No property will be removed by the purchaser and no shipment will be allowed to go forward prior to full payment of the purchase price and any other charges that have accrued under the terms hereof. Payment may be by cash, certified check drawn in favor of the Treasurer of the United States, or an ir-

² Administrative regulations of the War Department relative to use of forms.

revocable letter of credit drawn on a member bank of the Federal Reserve System in favor of the Treasurer of the United States, payable to the Treasurer of the United States. All property purchased must be removed by the successful bidder within ----- from date of sale.

The Government reserves the right to accept or reject any or all bids or any part of any bid, and, if necessary, to exercise this right on any particular bid at any time during the continuance of the sale by notifying the bidder of the rejection of his bid.

(40 Stat. 850; 40 U.S.C. 314; 41 Stat. 105; 10 U.S.C. 1265) [Pars. 10-15, A.R. 5-50, May 22, 1939, as amended by Proc. Cir. No. 22, September 28, 1939]

[SEAL]

E. S. ADAMS,

Major General,
The Adjutant General.

[F. R. Doc. 39-3614; Filed, September 30, 1939; 9:16 a. m.]

TITLE 15—COMMERCE

BUREAU OF FOREIGN AND DOMESTIC COMMERCE

SUB-TITLE B—REGULATIONS RELATING TO COMMERCE

PART 305—FOREIGN TRADE STATISTICS

§ 305.4 is amended to read as follows:

Statistics furnished by collectors of customs. Trade papers, trade organizations, and commercial concerns may be furnished with statistical information regarding imports by customs districts as shown in the monthly statistical reports supplied to collectors by the Section of Customs Statistics at New York. In no case shall any information be furnished in such manner as to disclose individual transactions or names of importers or exporters.

This amendment shall take effect immediately.

§ 305.30 (a) is amended to read as follows:

Manifests of vessels—Shippers' declarations—Clearance. (a) Before clearance shall be granted to any vessel bound to a foreign place or non-contiguous territory of the United States, the master shall file a manifest with the collector of customs on Commerce Form 1374 of all the cargo on board his vessel. There shall also be filed with the collector declarations of the owners, shippers, or consignors of the cargo shipped by them, specifying the kinds, quantities, values, and the places to which ultimately destined. These declarations will be made in duplicate on Commerce Form 7525 in accordance with the instructions printed thereon, and the original copy of every declaration shall be verified by oath before a Customs officer, notary public, or other

authorized person: *Provided*, That during any period covered by a Proclamation of the President that a state of war exists between foreign nations such declarations shall be filed in triplicate, instead of in duplicate. Collectors will number the declarations serially as received.

This amendment shall become effective October 1, 1939.

§ 305.31 is amended to read as follows:

Clearance on incomplete manifest under bond. Clearance may be granted on incomplete cargo manifest and before all export declarations have been filed, upon the application to the collector of customs on Commerce Form 1378-B and the execution of the bond printed thereon, or on application to the Secretary of Commerce and the execution of a bond on Commerce Form 1380: *Provided*, That the privilege of clearance of a vessel bound for a foreign port prior to the filing of all export declarations as provided for herein, shall be suspended during any period covered by a Proclamation of the President that a state of war exists between foreign nations. The condition of the bond is that a complete outward manifest of all cargo laden on board the vessel, or the export declarations covering all cargo, or both the complete outward manifest and all export declarations, as printed on said forms, be filed with the collector of customs not later than the fourth business day after clearance of the vessel. If required by the collector, pro forma declarations on customs form 7303 must be filed enumerating shipments for which declarations are missing.

This amendment shall become effective October 1, 1939.

(R.S. 161, 5 U.S.C. 22, R.S. 335 as amended, 15 U.S.C. 176, R.S. 336 as amended, 15 U.S.C. 173, and R.S. 337 as amended, 15 U.S.C. 174; also 32 Stat. 172 as amended, 46 U.S.C. 95, R.S. 4197 as amended, 46 U.S.C. 91, R.S. 4200 as amended, 46 U.S.C. 92.)

[SEAL]

EDWARD J. NOBLE,

Acting Secretary of Commerce.

SEPTEMBER 28, 1939.

[F. R. Doc. 39-3619; Filed, September 30, 1939; 9:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

FEDERAL TRADE COMMISSION

[Docket No. 2046]

IN THE MATTER OF EXCELSIOR HAT WORKS

§ 3.66 (e) *Misbranding or mislabeling—Old, secondhand or reconstructed as new:* § 3.69 (b) (9) *Misrepresenting oneself and goods—Goods—Old, secondhand or reconstructed as new.* Representing, in connection with offer, etc., in commerce, of hats, that hats composed in whole or in part of used or secondhand materials are new or are

composed of new materials by failure to stamp on the sweat bands thereof, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that said products are composed of secondhand or used materials, or in any manner that hats made in whole or in part from old, used or secondhand materials are new or are composed of new materials, prohibited; subject to the provision that if sweatbands are not affixed to such hats as hereinbefore set forth, then such stamping must appear on the bodies of such hats in conspicuous and legible term which cannot be removed or obliterated without mutilating said bodies. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Excelsior Hat Works, Docket 2046, September 19, 1939]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF JOSEPH A. VILLONE,
AN INDIVIDUAL, TRADING AS EXCELSIOR
HAT WORKS

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the amended and supplemental complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into between the respondent herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered That the respondent, Joseph A. Villone, individually, and trading as Excelsior Hat Works, or under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of hats in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that hats composed in whole or in part of used or secondhand materials are new or are composed of new materials by failure to stamp on the sweat bands thereof, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat

bands, a statement that said products are composed of secondhand or used materials, provided that if sweat bands are not affixed to such hats then such stamping must appear on the bodies of such hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating said bodies;

(2) Representing in any manner that hats made in whole or in part from old, used or secondhand materials are new or are composed of new materials.

It is further ordered, That respondent shall, within sixty (60) days after service upon him of this order file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-3624; Filed, September 30, 1939; 11:30 a. m.]

[Docket No. 3026]

IN THE MATTER OF KIDDER OIL COMPANY

§ 3.6 (a) (1) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Authorities and personages connected with:*

§ 3.6 (a) (10.1) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—History.* Representing, in connection with offer, etc., in commerce, of respondent's product "Koatsal", that Joseph K. Kidder is an original pioneer in the blending of colloidal graphite and lubricating oil and that he has great scientific knowledge which enabled him to develop Koatsal, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Kidder Oil Company, Docket 3026, September 19, 1939]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of respondent's product "Koatsal", that Koatsal penetrates and adheres to all metal surfaces it reaches, permeates the pores of the metal, soaks into the metal, and that the metal becomes plated with Koatsal and moving parts ride on this plating, or that an automobile conditioned with Koatsal will run any greater distance without oil in the crankcase without damage to any part than will an automobile conditioned with ordinary lubricating oil of the same quality used in Koatsal, or that the lubricating qualities of Koatsal are any greater than the lubricating qualities of the oil which it contains, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Kidder Oil Company, Docket 3026, September 19, 1939]

§ 3.6 (g) *Advertising falsely or misleadingly—Earnings:* § 3.72 (c) *Offering*

deceptive inducements to purchase—Excessive earnings: § 3.80 (g) *Securing agents or representatives falsely or misleadingly—Earnings.* Representing, in connection with offer, etc., in commerce, of respondent's product "Koatsal", that the usual and customary earnings or profit to be derived from the sale of respondent's said product by distributors, salesmen and demonstrators are larger than, and in excess of, the usual and customary amounts actually so earned under normal conditions in the due course of business, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Kidder Oil Company, Docket 3026, September 19, 1939]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence taken before W. W. Sheppard, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein and oral arguments by R. A. McQuat, counsel for the Commission, and E. E. Franchot, counsel for respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Kidder Oil Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its product "Koatsal", whether sold under that name or under any other name in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing:

(1) That Joseph K. Kidder is an original pioneer in the blending of colloidal graphite and lubricating oil and that he has great scientific knowledge which enabled him to develop Koatsal;

(2) That Koatsal penetrates and adheres to all metal surfaces it reaches, permeates the pores of the metal, soaks into the metal, and that the metal becomes plated with Koatsal and moving parts ride on this plating;

(3) That an automobile conditioned with Koatsal will run any greater distance without oil in the crankcase without damage to any part than will an automobile conditioned with ordinary

lubricating oil of the same quality used in Koatsal;

(4) That the lubricating qualities of Koatsal are any greater than the lubricating qualities of the oil which it contains;

(5) That the usual and customary earnings or profit to be derived from the sale of its product by distributors, salesmen and demonstrators are larger than and in excess of the usual and customary amounts actually so earned under normal conditions in the due course of business.

It is further ordered, That the respondent shall, within sixty (60) days after the service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-3625; Filed, September 30, 1939; 11:30 a. m.]

[Docket No. 3585]

IN THE MATTER OF MARTIN CUSTOM MADE TIRES CORPORATION

§ 3.6 (m10) *Advertising falsely or misleadingly—Manufacture:* § 3.66 (c20) *Misbranding or mislabeling—Manufacture.* Representing, in connection with offer, etc., in commerce, of pneumatic automobile and truck tires, directly or indirectly, by means of letters, blotters, words, figures, price lists, tire wrappings, markings, insignia or brands appearing on respondent's automobile and truck tires, or in any other way, that the tires sold by respondent contain more plies in their construction than they actually contain, or representing, directly or indirectly, that the construction of respondent's tires or the materials therein contained are other than the actual construction and materials contained in said tires, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Martin Custom Made Tires Corporation, Docket 3585, September 18, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and a stipulation as to the facts entered into between counsel for the respondent herein

and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Martin Custom Made Tires Corporation, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of pneumatic automobile and truck tires in commerce as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist:

(1) From representing directly or indirectly by means of letters, blotters, words, figures, price lists, tire wrappings, markings, insignia or brands appearing on respondent's automobile and truck tires or in any other way, that the tires sold by respondent contain more plies in their construction than they actually contain;

(2) From representing directly or indirectly that the construction of respondent's tires or the materials therein contained are other than the actual construction and materials contained in said tires;

It is further ordered, That the respondent shall, within sixty days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-3626; Filed, September 30, 1939; 11:31 a. m.]

[Docket No. 3838]

IN THE MATTER OF MORBEN HAT WORKS, INC., ET AL.

§ 3.66 (e) *Misbranding or mislabeling—Old, secondhand or reconstructed as new:* § 3.69 (b) (9) *Misrepresenting oneself and goods—Goods—Old, secondhand or reconstructed as new.* Representing, in connection with offer, etc., in commerce, of hats, that hats composed in whole or in part of used or second-hand materials are new or are composed of new materials by failure to stamp on the sweat bands thereof, in conspicuous and legible terms which cannot be removed or obliterated without mutilating said sweat bands, a statement that said products are composed of second-hand or used materials, or in any manner that hats made in whole

or in part from old, used, or second-hand materials are new or are composed of new materials, prohibited; subject to the provision that if sweat bands are not affixed to such hats as hereinbefore set forth, then such stamping must appear on the bodies of such hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating said bodies. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Morben Hat Works, Inc., et al., Docket 3838, September 18, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF MORBEN HAT WORKS, INC., A CORPORATION, AND MORRIS S. ALTMAN, INDIVIDUALLY AND AS AN OFFICER OF MORBEN HAT WORKS, INC.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, in which answer respondents admit all the material allegations of fact set forth in the said complaint and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent Morben Hat Works, Inc., a corporation, its officers, representatives, agents, and employees, and respondent Morris S. Altman, individually and as an officer of said corporation, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of hats in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that hats composed in whole or in part of used or second-hand materials are new or are composed of new materials by failure to stamp on the sweat bands thereof, in conspicuous and legible terms which cannot be removed or obliterated without mutilating said sweat bands, a statement that said products are composed of second-hand or used materials, provided that if sweat bands are not affixed to such hats then such stamping must appear on the bodies of such hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating said bodies;

(2) Representing in any manner that hats made in whole or in part from old, used, or second-hand materials are new or are composed of new materials.

It is further ordered, That respondents shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-3627; Filed, September 30, 1939; 11:31 a. m.]

TITLE 24—HOUSING CREDIT UNITED STATES HOUSING AUTHORITY

PART 612—PREPARATION OF DRAWINGS AND SPECIFICATIONS *†

Sec.	
612.1	General requirements.
612.2	Review and approvals.
612.3	Number of copies for review.
612.4	Architect's responsibility.
612.5	Construction costs and cost estimates.
612.6	Scope of Architect's work.
612.7	General suggestions.
612.8	Job program.
612.9	Method of bidding.
612.10	Contract documents and bid forms.
612.11	Evaluation of bids.
612.12	Construction difficulties.
612.13	Increased overhead.

§ 612.1 *General requirements.* As indicated in the "Terms and Conditions" accompanying the loan contracts, the final plans, specifications and contract documents to be used for the construction of a project must meet with the approval of the USHA before construction contracts may be awarded by the local housing authority. To facilitate and aid the local housing authority and its architect, the following points are suggested: As soon as feasible after the loan contract is executed, it is suggested that an authorized member or representative of the local authority accompanied by the architects (and the architects' designers and engineers, as necessary) visit the USHA regional office. The architects should send in advance, or bring with them, preliminary studies, these to consist of a site plan, sketch plans of the housing types, a description of the proposed type of construction, a tabulation of the unit distribution, and the pertinent data used in formulating the preliminary studies. The preliminary studies should be based upon such considerations as the site boundaries and adequate information as to the topography, detailed knowledge or maps of the utilities systems available and proposed, the proper system of heating, and the estimates of cost in the Application as

approved and adjusted to the then current situation. The studies prepared in connection with the Application, if fulfilling the above requirements, will suffice for this purpose. When the architects and the members or representatives of the local authority arrive to confer with the USHA there will be a comprehensive discussion of the entire problem with the various specialists and technicians of the USHA participating. It is desirable that the architects and members or representatives plan to remain in the regional office for a time sufficiently long so that when they leave they may carry with them working agreements, reduced to sketches and memoranda, as to the following: (1) Housing types; (2) Heating, cooking, and utilities systems; (3) Site plan and site engineering; (4) Unit plans and unit distribution; (5) Types and materials of construction; (6) Program for tests of sub-soil conditions; (7) Overall estimates and cost limitations; (8) The system of bidding; (9) Other pertinent matters which can be readily disposed of at that time. These agreements will be adequate to enable the architects to proceed expeditiously with the preparation of full preliminary plans and specifications. The full preliminary drawings and outline specifications are those to which reference is made in Article 3 (a) of the suggested form of Architect's Contract. Immediately following their visit to the regional office the architects should proceed with these drawings and specifications on the basis of the working agreements. Except in unusual cases, it is not contemplated that the full preliminary drawings and outline specifications need be submitted to the regional office for review but that they will be reviewed in the field and working agreements given as in the case of the preliminary studies.*† [Sec. B]

§ 612.2 *Review and approvals.* As soon as working agreements on the preliminary drawings and outline specifications have been reached the architects should proceed with the final plans, specifications and contract documents. The local authority may, in its discretion, submit these in whole or in part to the USHA regional office for review prior to completion, but this will not be necessary and in general will not be considered desirable since such submission may involve delays. It is contemplated that the USHA project adviser will, in each case, maintain close contact with the local authority during the development of the final plans and specifications and that he will arrange for field reviews by such technical and other specialists from the USHA as may be necessary in order to secure prompt disposition of all questions as they arise. However the final plans, specifications and contract documents should be submitted to Washington not later than the time of advertising for bids in order that they may be reviewed at an early date prior to or during the period of bidding and be modified as may be found necessary by addenda.

The suggested form of Architect's Contract anticipates that the final plans will be drawn in ink on tracing cloth. At the option of the local housing authority, pencil working drawings, if fully adequate for the purpose, will be entirely satisfactory to the USHA. However, if the contract contemplates the preparation of drawings in ink on tracing cloth and the local authority and the architects agree to substitute pencil working drawings, a suitable adjustment of the fee should be made part of the agreement. Throughout the period from loan contract to construction contract, the staff members of the USHA, in order to expedite the work, are authorized to reach such informal working agreements in the field, as the work progresses, as may be necessary. These agreements will be summarized in written memoranda given to the local authority by staff members of the USHA. Likewise, on matters which require review and discussion in the regional office, working agreements can be reached during visits of the local housing authority or its staff in the regional office, or by letter following the review of plans or other documents. In order to determine that the project complies with the terms of the United States Housing Act, the USHA finds it necessary to make a review and check of all drawings and specifications before or during the bidding period and prior to approval for contract purposes. However, it should be borne in mind that the primary responsibility for the success of the project rests with the local authority and, through them, with their technical aids, and that the plans and specifications must be so conceived, prepared and checked as to insure this success. Local authorities are, therefore, urged to review the plans and specifications thoroughly and painstakingly prior to submission for approval. By such procedure the facilities of the USHA will not be overtaxed, the USHA will be able to render more prompt service in the review and approval of contract documents, and the chances for errors and oversights which lead to unsatisfactory conditions or to increased cost, or both, will be greatly diminished.*† [Sec. C]

§ 612.3 *Number of copies for review.* As indicated in the "Terms and Conditions", six complete sets of plans, specifications, and other contract documents as proposed for bidding should be submitted to the USHA for review at the time of advertising for bids, or before. In addition, and during the process of development of the drawings and specifications and whenever these are submitted to the regional office for purposes of securing informal approval and suggestions, the number of copies will have to be determined in the light of circumstances at that time, but it is anticipated that in no case will the number of copies of drawings or other documents submitted for these purposes exceed eight. It is suggested that the

*§§ 612.1 to 612.13 issued under the authority contained in § 8, 50 Stat. 891; 42 U.S.C., Sup. IV, 1408.

†The source of §§ 612.1 to 612.13 is Bulletin 13, revised April 17, 1939.

number of copies of contract documents to be supplied by the architect, and for which blank spaces are provided in Section 6 of the suggested form of Architect's Contract, be made to conform to the above.*† [Sec. D]

§ 612.4 *Architect's responsibility.* No approval, formal or informal, by the USHA shall be construed to relieve the architect of his responsibility to the local housing authority as to the accuracy and completeness of the plans and other contract documents. The Architect should submit, with his final working drawings and specifications, a statement to the effect that the requirements of the local Building Department and of other agencies, public or private, having jurisdiction, have been complied with, or exemptions to existing requirements have been obtained.*† [Sec. E]

§ 612.5 *Construction costs and cost estimates.* The United States Housing Act¹ sets a maximum limit on the cost per room and per dwelling unit, and a further limit on the total cost of a project is established in the loan contract. It is obvious that architects must design within these limits. The preliminary cost estimates and those based on the working drawings should be low enough to allow for a margin of about five per cent to cover extras during construction. These, however, are to be regarded as maximum cost limits, and do not relieve the architect of his responsibility to design for the lowest costs attainable in his locality consistent with good construction and good planning. Sec. 15 (5) of the Act specifies "(a) that such projects will not be of elaborate or expensive design or materials, and economy will be promoted both in construction and administration, and (b) that the average construction cost of the dwelling units (excluding land, demolition and non-dwelling facilities) in any such project is not greater than the average construction cost of dwelling units currently produced by private enterprise, in the locality or metropolitan area concerned, under the legal building requirements applicable to the proposed site, and under labor standards not lower than those prescribed in this Act." After execution of loan contract the estimate of development cost in the Application as approved for the loan contract will be transcribed by the USHA to Form No. USHA-512; subject to such modifications as may be agreed upon between the local authority and the USHA this will become the preliminary budget. When the plans and specifications are completed, and prior to the advertising for bids, the local authority will submit its final estimate of total development cost. The local authority or its architects should, in the interim period, make at least one additional estimate in order to recognize its own position in relation to costs. Upon request of the local authority these in-

terim estimates will be reviewed by USHA representatives in the field or, if the local authority desires, in the regional office, but there is no requirement that the local authority submit interim estimates to the USHA.*† [Sec. F]

§ 612.6 *Scope of architect's work.* The architect should obtain, at the outset of his work, a definite statement from the local housing authority setting forth the limits of the work to be covered by his plans and specifications, so that all street improvement and utility work which is not to be performed by the city or other outside agency, may be shown on his drawings. It should be the Architect's responsibility to coordinate his drawings with plans to be prepared by other agencies in connection with the housing project; further, to obtain from the city approval of his drawings for street and utility work to be performed in city streets or on land which it is proposed to dedicate to the city.*† [Sec. G]

§ 612.7 *General suggestions.* The following observations, while in a sense self-evident, are made in the hope that they will promote a certain degree of consistency in the work of all the architects operating under the program of the United States Housing Act, and that this, in turn, will facilitate the review of the plans and specifications by the USHA.

(a) The drawings should indicate completely the scope of the work to be executed, while the specifications should cover only that which the drawings are not competent to explain. The drawings should be carefully coordinated with the specifications to avoid omissions, repetitions, inconsistencies and contradictions; likewise the several parts and divisions of the specifications should be coordinated within themselves.

(b) Notes on the drawings should be specific as to extent of work and kinds of materials, but should avoid naming exact varieties of materials or trade names.

(c) Drawings should include complete door, window, and interior finish schedules, placed on drawings where most available for reference. A schedule of buildings, dwelling units and rooms should also be included. Schedules should be carefully checked with drawings and specifications.

(d) Each drawing should be properly described in the legend or index and should be dated and numbered to facilitate handling, recording and filing.*† [Sec. H]

§ 612.8 *Job program.* The Job Program form shall be considered as an outline under which all matters having to do with the composition of the project are initiated, considered, and determined step by step up to the time when the final plans, specifications and other construction contract documents are ready for bidding purposes. The essential point in the procedure is that the various items of the Job Program form shall be disposed of as early as possible and in logical sequence rather than that the material

be assembled for consideration and disposition as a whole. The Job Program form should be used as a check list to see that no items are overlooked in the development of the project.*† [Sec. I]

§ 612.9 *Method of bidding.* Part 610 includes a discussion of letting general contracts on the basis of dividing a project into two or more parts, and of segregating from general construction contracts such items as plumbing, heating, and electrical work. It is here restated that local authorities should give consideration to this question and should weigh the several advantages and disadvantages of such a procedure, taking into consideration the fact that certain state laws make it necessary, on public works, to segregate and take separate bids on parts of the work other than the general construction. However, it should be borne in mind that the complications attendant upon splitting the work into a number of contracts are manifold, and that these complications increase much more rapidly than in direct proportion to the number of contracts. The following discussion is intended as an aid to local authorities in reaching its determination relative to this important question.

To begin with, the local authority should attempt, in the early stages of the work, to formulate its policy with regard to the manner in which bids should be taken and the alternates to be included, since this has an important bearing upon the site plan itself, and upon the manner in which the drawings are prepared. For example, it will be appreciated that certain site plans lend themselves more readily to several general contracts than do others, and that the distribution of utilities, arrangement of walks, and other features, are also involved in this problem. With respect to the drawings, these should contemplate the effect which alternates will have upon related work. Hence, an early decision as to the division of contracts, if any, and with respect to the taking of alternate bids will enable the plans to be prepared, and the specifications written, in a manner less susceptible to misunderstandings and disputes during construction than would otherwise be the case. A multiplicity of contracts and alternates involves the four major considerations set out in the four sections immediately following.*† [Sec. J]

§ 612.10 *Contract documents and bid forms.* Contract and bid forms must be prepared in such manner that the requirements desired may be clearly and unmistakably understood by all intending bidders. The difficulties may not be readily apparent until an attempt is made to set up the documents, nor are they always perceived at that time. However, to form some conception of the difficulties involved in a relatively simple case—assume the hypothetical problem of one project divided into four bidding areas for general construction

¹United States Housing Act of 1937, as amended, 50 Stat. 888; 42 U.S.C., Sup. IV, 1401 (hereinafter referred to as the "Act").

purposes, with one area including a building, or buildings, for which an alternate is proposed to exclude these buildings; then assume that it is necessary under state laws, to take separate bids for plumbing, heating, electrical work, and that it seems desirable to separate the paving work as well as the landscaping work from the general contracts; in addition, assume that alternates are desired covering four items on the construction work, and as few as two items each on the mechanical trades. With the necessary provision that overall bids must also be taken in order to insure that the lowest possible price has been obtained, such a case as is cited may involve the taking of as many as 80 to 100 base bids and 200 to 400 alternate bids. Under such circumstances, a long and painstaking analysis of the bid documents becomes necessary in order to insure that there is no overlapping of items or gaps to be bridged by extra expenditures after the contracts have been awarded.*† [Sec. J]

§ 612.11 *Evaluation of bids.* The mere process of tabulation of bids under the hypothetical case cited is no small task, but the evaluation of these bids after they have been tabulated is not only difficult, but may be even impossible in some cases. It is easy to conceive that in order to pick out the lowest possible combination of bids it may become necessary to do so on a basis that may not produce the best possible results, and that in certain cases the awards may be determined by virtue of the acceptance or rejection of certain alternates, a situation almost certain to produce embarrassment for the local authority. In certain states where the law requires that awards be made on the basis of the base bids, without regard to alternates, it is altogether probable that certain desirable alternates may be accepted only if excessive prices are paid; the conclusion is that in such states the base bid should include the most desirable materials and methods, covering those that are less desirable by the alternates. In all events, the number of alternates should be held to the minimum.*† [Sec. J]

§ 612.12 *Construction difficulties.* The presence of a large number of contractors on any one project leads to confusion, division of responsibility, and delays. For example, contemplate a situation under which a central heating plant and its steam distribution lines is under one contract, and the heating system within the buildings is under one, or more, other contracts. Under such a situation, if the heating of one or more of the buildings is unsatisfactory, both contractors will disclaim any responsibility, each charging the other with the fault. Each contractor must have access to his site, and such access will frequently cross the area under the jurisdiction of another contractor. Claims arising out of difficulties due to surface drainage will often develop. Delays are certain to ensue. From a management

point of view, differences in equipment and in types of materials resulting from divided contracts impose added maintenance costs. Other difficulties too numerous to cite can be readily forecast.*† [Sec. J]

§ 612.13 *Increased overhead.* It is obvious that under a large number of contracts a local authority must assume the function of coordination which normally belongs to a general contractor, and that the administrative cost of such coordination accounts for at least a considerable portion of the savings which may seem to result from a division of the contracts. Moreover, the direct supervision cost may increase in more or less direct proportion to the number of contractors engaged. The foregoing statements are not in any sense intended to indicate that the USHA desires to interfere with any reasonable proposals that local authorities may make relative to the manner of securing bids. It is appreciated that many local authorities desire to keep contracts small enough so that legitimate local competition can be had. The argument has also been advanced that local contractors will have a greater personal interest in the work and that they are easier to get back on the job to remedy such latent defects as normally develop on construction work. The USHA is sympathetic with these and other arguments that have been advanced, but it feels a proper responsibility to see that all proposals for the division of work and for the inclusion of alternate bids should be kept within reasonable bounds and to that end it is prepared to discuss each individual problem as it develops. In conclusion, the point is again stressed that early consideration of this particular problem is most advisable.*† [Sec. J]

NATHAN STRAUS,
Administrator.

SEPTEMBER 14, 1939.

[F. R. Doc. 39-3617; Filed, September 30, 1939; 9:17 a. m.]

PART 613—SITE ENGINEERING DESIGN*†

Sec.

- 613.1 Grade studies.
- 613.2 Starting point of grade studies.
- 613.3 Method of indicating finished grades.
- 613.4 Surface drainage.
- 613.5 Building floor elevations.
- 613.6 Maximum and minimum grades.
- 613.7 Surface inlets.
- 613.8 Layout of walkways.
- 613.9 Widths.
- 613.10 Design.
- 613.11 Steps.
- 613.12 Layout of streets and driveways.
- 613.13 Widths.
- 613.14 Section.
- 613.15 Surfacing material.
- 613.16 Space required for parking.
- 613.17 Surfacing material.
- 613.18 Fences.

*§§ 613.1 to 613.30 issued under the Authority contained in § 8, 50 Stat. 891; 42 U.S.C., Sup. IV, 1408.

†The source of §§ 613.1 to 613.30 is Bulletin 14, Aug. 23, 1938.

Sec.

- 613.19 Location of utility lines.
- 613.20 Sewerage system.
- 613.21 Basis of design.
- 613.22 Existing sewers.
- 613.23 Roof drainage.
- 613.24 Surface inlets.
- 613.25 Water distribution system.
- 613.26 Maximum rates of flow.
- 613.27 Pipe sizes.
- 613.28 Layout of services.
- 613.29 Gas distribution system.
- 613.30 Street improvements.

§ 613.1 *Grade studies.* A careful study of yard grades should be made early in the project design for use as a guide in establishing building floor elevations and for obtaining a satisfactory balance of cut and fill. The study should include fixing the finished grades of walks and driveways and of planted and surfaced areas, and the calculation of earthwork quantities. While the grades so fixed will be subject to subsequent adjustment, the study should be made thoroughly at the outset in order to avoid subsequent change in building elevations, or objectionable grade conditions.*† [Part I]

§ 613.2 *Starting point of grade studies.* Established street grades must obviously serve as the starting point for working out finished grades for the project site, and these should be fully determined before grade studies are begun. (Sewer grade elevations must also be taken into account.) If street grades have not been established, or if alteration in established grades is required, definite action or approval by the city should be obtained. On vacant sites where extensive new streets or drives must be planned, roadway profiles should be prepared at the outset and grades established. If such streets are to be dedicated to the public use, the proposed grades should be approved by the city.*† [Part I]

§ 613.3 *Method of indicating finished grades.* Site grading may be studied conveniently in contours and, except in the case of sites with little slope, finished grade contours may be indicated on preliminary site or block plans. On working drawings in the majority of cases, it is preferable to indicate finished grades by elevations rather than by contours. In staking out surface improvements, contour grades must be translated into elevations and if this is done in advance on the working drawings, the designer's intentions will be better understood and carried out. Where grade contours are used, slight changes in grades made during the preparation of the working drawings (many final adjustments are always necessary) necessitate laborious alteration in the contours. Grade elevations and grade contours should generally not be shown together as conflicting requirements may result. Finished grade elevations should be shown, in general, wherever they are required for carrying out grading work and yard improvement construction (assuming uniform slopes between points where finished grades are indicated). This includes grades along street curbs and sidewalks, at the corners of all buildings, at yard walk intersections, at points of change in the rate

of slope in walks and surfaced areas, and at the top and bottom of banks. Contours of the existing surface should be shown on site or block plans where finished grade elevations are indicated; these may be shown at one-foot intervals on comparatively flat sites, and at intervals of two feet or more on steeper sites. (They may be placed in very light dotted lines on the back of the tracings to save trouble in erasures.) However, existing grade contours may be omitted from block plans when they make these drawings too confused and a special grade map may be prepared to show present grades, controlling finished grades, grades at buildings and floor elevations. This map would serve principally for computation of earthwork quantities.*† [Part I]

§ 613.4 *Surface drainage.* Two basic requirements should be observed in planning yard drainage: 1. All yard areas of whatever nature should be sloped for drainage, with outlet provided for the escape of surface water. 2. Except in special cases, all surfaced areas should be designed to drain into walkways, streets, driveways, or inlets to underground drains, as the case may be, without depending upon the escape of surface water laterally across grassed areas. If these requirements are not observed, pooling of water on walks and surfaced areas is certain to occur and, except in the extreme South, snow and ice will impede drainage during the winter season and become a source of inconvenience and hazard to tenants. Profiles of walks and drives should be smooth and present a pleasing appearance, without sharp breaks in grades. Earth banks, which should be avoided wherever possible, should have a curved profile at top and bottom. A very shallow sod gutter, sloping toward an outlet, at the top of banks will aid in preventing wash; and the bottom of banks adjacent to walks should be at least two feet from the walks.*† [Part I]

§ 613.5 *Building floor elevations.* Breaks in floor levels should be avoided, so far as possible, in fixing building elevations. Where the topography is such that breaks must be introduced, they should be limited to 18 inches, if possible. The grade levels of building floor will be governed not only by yard drainage requirements but by architectural considerations and by sewer depths.*† [Part I]

§ 613.6 *Maximum and minimum grades.* Tables showing the approximate maximum and minimum slopes for yard areas which experience has shown to be desirable are available from the USHA.

In climates where snow and ice are common, the slopes of surfaced areas should, where practicable, be kept well within the maximum rates shown in the tables. For low maintenance, with reference particularly to power mowing, it

is very desirable that grassed slopes be not steeper than five to one, although it should be borne in mind that a power mower will negotiate a 3 to 1 slope and that such slopes may be used occasionally where it is not practicable to secure a flatter slope. It is often difficult to give walks and other yard areas the necessary minimum pitch; for example, where a walkway parallels closely a row house building, variable riser heights may be necessary in steps at building entrances; and on very flat sites, walkways may have to be laid to a profile consisting of a series of high points and depressions, with drainage to surface inlets in the depressions.*† [Part I]

§ 613.7 *Surface inlets.* Underground drains and inlets for carrying off storm water require an appreciable outlay in first cost and maintenance, but experience indicates that failure to provide adequate facilities of this kind may result in increased maintenance, property damage, and inconvenience to tenants. In general, surface inlets should be located immediately adjacent to and connected with walkways. If placed in grassed areas apart from walks, the inlets will fail to drain the walks properly, especially when the ground is covered with snow and ice. Complete reliance should not be placed on a single inlet or a single drain, if its stoppage would result in the flooding of a building floor, in other property damage, or in inconvenience to tenants; drainage facilities should be so arranged that if any one inlet or drain is stopped, the overflow will escape into a service drive or another drain without causing serious damage.*† [Part I]

§ 613.8 *Layout of walkways.* The location of walkways should be designed to give direct access to buildings and circulation between buildings, facilitate deliveries and the collection of refuse, etc., and protect the landscape development of the site. Failure to provide walks along all natural courses of traffic will result in increased landscape maintenance. It has been found that where walks parallel to row houses are located at some distance from the buildings, and necessitate relatively long approach walks, paths will be formed in the lawn area between dwelling entrances. The location of rear walks close to buildings may discourage this but will also tend to limit privacy and make the allotment of ground areas to the tenants for their own maintenance more difficult. Roundings at walk intersections will tend to increase walk costs but facilitate lawn maintenance.*† [Part II]

§ 613.9 *Widths.* The following walkway widths have been found generally satisfactory:

Main circulation walks.....	5 feet and up.
Main approach walks to apartment buildings.....	5 feet.
Secondary approach walks to apartment buildings.....	4 feet.

Approach walks to row houses:

Single entrance, front.....	3 feet.
Single entrance, rear.....	2 feet.
Double entrance, front.....	4 feet.
Double entrance, rear.....	3 feet.

Stepping stones, or walks even less than 2 feet wide, may be used in special cases.*† [Part II]

§ 613.10 *Design.* Plain concrete is generally the best material for walkways in low-rent housing developments. Various other materials possess architectural advantage, but are, as a rule, more expensive to lay or maintain. Bituminous walks have proven unsatisfactory, due in part to the difficulty of obtaining good compaction. Division of concrete walks into "flags" by full depth joints will prevent cracking and facilitate maintenance, since the flags can be raised easily in case of settlement. Walks should have a cross slope when adjacent to buildings, and a slight crown when in open areas; $\frac{1}{4}$ inch per foot is recommended in each case. Special fitting or warping may be required at walk intersections and at surface inlets to carry out the scheme of drainage. Precast concrete slabs may be used in very narrow walkways for maximum economy.*† [Part II]

§ 613.11 *Steps.* Steps in yard walks are a source of inconvenience and hazard and are to be avoided wherever possible. A single riser should never be used. Long flights of steps without landings are also to be avoided and, in cold climates, the use of a hand rail should be considered for all flights containing more than about six risers. The height of risers should be not less than 4 inches and not more than 7 inches. Where the system of garbage collection by the project management involves the use of small trucks over walkways, steps must not be used in walks leading to the collection stations.*† [Part II]

§ 613.12 *Layout of streets and driveways.* Driveways should be designed to discourage through traffic while affording easy access for the service needs of the project. They may be designed to provide some parking space also, and should be laid out to serve as a convenient location for utility lines. Project streets and drives must afford access to hydrants by fire fighting equipment, and the local fire department's advice with respect to this element of the site plan should be obtained. It should be noted, however, that such access by fire fighting equipment will rarely be necessary; hence, practicable, rather than convenient, access should be provided. The driveway layout should permit the use of existing street and alley pavements when such use is feasible. Driveways of sufficient width or importance to be considered as streets should be planned for dedication to the public use, and street parking areas arranged in a manner acceptable to the city.*† [Part III]

§ 613.13 *Widths.* Sixteen feet may be taken as a minimum width for two-lane service drives and 9 or 10 feet for single lane drives. Two-lane drives can frequently be operated "one-way" to advantage. Three-lane drives (or streets), which will accommodate parking on one side, should be not less than 26 feet wide, and drives accommodating parking on both sides should be at least 32 feet wide. Curbs should have a radius at intersections of at least 12 feet; where feasible, 15 to 20 feet is more desirable.*† [Part III]

§ 613.14 *Section.* A "dished" section (drainage to center) is most economical for service drives in so far as drainage is concerned; further, this section facilitates crossing street sidewalks at sidewalk grade, which is a desirable arrangement for driveways serving light traffic. The dished section also eliminates the positive need for curbing, although a low monolithic curb (assuming the driveway is of concrete) is most desirable for the protection of adjoining planted areas, fencing, and other improvements. A crowned section is recommended for (1) all driveways having other than concrete surfacing, (2) drives more than two lanes in width, and (3) long, important or "front" driveways, even if only two-lane (for appearance reasons). The pavement cross-section should show subdrains where soil and climatic conditions warrant them.*† [Part III]

§ 613.15 *Surfacing material.* From the viewpoint of maintenance cost, concrete makes a very satisfactory surfacing material for service driveways; and with respect to first cost, a concrete pavement with monolithic curb is little or no more costly than a good, premixed bituminous surfacing laid on a stone base, and provided with concrete curbs and gutters. Where there is an existing base which can be utilized, bituminous surfacing will be far less expensive than concrete; and where very low costs are imperative, a macadam or gravel base course with light surface treatment may be used, or untreated surfacing may be laid. The advice of municipal or State authorities should be obtained concerning the specifications best adapted to conditions and to materials available locally. Soil and climatic conditions, the nature of traffic, and cost limitations will govern the design of the surfacing used in each case. State highway or city standards are convenient for reference and compliance with them may be specified. Where there is but a limited amount of surfacing of any one kind to be laid, the inclusion of a brief description of the essential requirements in the general specifications for the project, rather than reference to an elaborate State specification, may result in lower costs. Concrete is an economical and satisfactory material for curbs, except at important street intersections, where stone is preferable.*† [Part III]

§ 613.16 *Space required for parking.* The space per car required for parking on streets and drives, with allowance for ample clearance, is roughly 150 square feet; on special parking areas the space required per car is about 215 square feet and upwards. This difference is due to the fact that in parking areas considerable space must be provided for car maneuvering, while in streets and driveways the traffic-way is used for this purpose. A parking area width of about 54 feet is needed for two lines of cars parked "head in," with maneuvering space between the rows.*† [Part IV]

§ 613.17 *Surfacing material.* Comparison of the space requirements for parking on streets and for parking in special areas indicates that, for equal construction cost, a lower cost type of surfacing must be used for special parking areas. Nevertheless, deterioration of the surfacing is equally severe in both types of area, and cheaper types will probably require higher maintenance cost. The type of surfacing selected—e. g., untreated macadam, or similar material with light surface treatment, or a more permanent type of pavement—will depend on the character of the project and varying local conditions, and no definite recommendations can be stated. Dustless, "trackless" material, having low maintenance cost, is of course desirable, but cost limitations may necessitate the use of a material which is not satisfactory in every respect. For areas on which tenants may do much repair work on their cars, tar-mix topping will be preferable to asphalt because it will be less damaged by dripping oil and gasoline. Curbing or other type of barrier should generally be provided along the edges of parking areas.*† [Part IV]

§ 613.18 *Fences.* Fencing is useful for various purposes in housing projects, e. g., along project boundaries to prevent trespassing, along steep banks, around play areas for protection of children, around drying yards and most important, along yard division lines for enclosing tenants' yards. Fencing may preferably be omitted from the initial project development, when doubt exists as to its need, and installed later as required in the way which will best serve its purpose. Although no definite recommendation with respect to the extent and location of fencing can be made, the decision to use it should be based on consideration of the types of dwellings, the habits of the people housed, climate, and topography. The following advantages should be weighed in determining which areas are to be fenced and how: 1. demarcation of yard lines, and definite placing of responsibility for yard maintenance on the tenants; 2. protection of vegetable and flower gardens, if any; 3. provision of enclosures for small children; 4. protection of laundry hanging. However, these advantages must be weighed against the added cost and the possible loss in attractiveness. Substantial chain-link fencing is recommended for fences

around play areas, along project boundaries, etc. Although this type has also been used extensively for tenants' yards, consideration should be given to some less expensive type, such as several strands of heavy wire supported on light steel posts. Where clothes drying facilities are provided in tenants' yards, the clothes poles may be set in the fence line and used to replace heavy end or gate posts required.*† [Part V]

§ 613.19 *Location of utility lines.* Main sewer, water, and gas lines should be placed in city streets or project driveways wherever possible. With these lines in the city streets, the project will incur no responsibility for their maintenance; with these lines in project driveways, the project will be relieved of their maintenance in the event that the drives are later dedicated to the city. Such location also makes utility lines more accessible for maintenance and does not require the granting of easements through yard areas. Where practicable, utility lines in project streets and driveways, should be at the side of the pavement. Special attention should be given in the landscape and utility design to coordinating the locations of utility lines with the locations of trees throughout the site.*† [Part VI]

§ 613.20 *Sewerage system.* The sewerage system comprises all sewers—sanitary, storm, and combined—culverts, and other subsurface drains needed to conduct sanitary sewage and storm water from the project site.*† [Part VII]

§ 613.21 *Basis of design.* Local codes and the practice of the local city engineering department will serve generally as a satisfactory basis of design, and these may be supplemented, if necessary, by reference to "Recommended Minimum Requirements for Plumbing," issued by the Bureau of Standards, United States Department of Commerce. Therefore, the following material covers only certain points which have been found to require special attention in connection with sewerage and drainage systems for housing projects.*† [Part VII]

§ 613.22 *Existing sewers.* A thorough investigation should be made to determine whether or not the existing or proposed main sewers will be adequate at all times to carry away sanitary sewage and storm water without back-flooding. The necessary information may be available from the city engineering department, or a field inquiry may be necessary to determine whether any basement flooding or similar condition has been experienced in the area during heavy rains. Experience has shown that unless a very thorough investigation is made and proof obtained that the sewers are of ample capacity, serious trouble will be experienced later. The investigation should be extended to cover all main and trunk sewers which affect

drainage from the project site. If the present sewerage facilities are not entirely adequate, additional sewers or drains must be provided or precautionary measures taken to prevent flooding of basements or other damage to the project. When old street sewers or services are to be utilized in the project sewer system—particularly when such lines will be project-maintained—they should be examined to determine whether their condition is satisfactory for incorporation in the new system. This precaution is important in order to guard against substantial extras during construction. If such sewers are not found in good condition, they should receive any necessary repairs.*† [Part VII]

§ 613.23 *Roof drainage.* The connecting of downspouts to sewers is an important item of project cost. This is especially true where the sewerage system is not of the combined type, and where row houses with pitched roofs requiring storm sewers along both sides are used. Where soil conditions, topography, and building coverage permit, the roof water may, in occasional cases, be discharged on to splash blocks from which it will flow over lawn and surfaced areas.*† [Part VII]

§ 613.24 *Surface inlets.* The location of yard inlets is fixed by the project grades, but the grade studies and yard drainage system design should be carried out jointly, in order to avoid, on the one hand, excessive filling to shed the water to border streets and, on the other, an unnecessarily expensive system of drains. Where a surface inlet discharges directly into a combined sewer, a catch basin with water seal should be provided; where the discharge is into a storm sewer (and the city code permits), or where the discharge subsequently will pass through a catch basin, a simple inlet without water seal or catchment space may be used. Trapped basins are undesirable where not strictly necessary, because they require more maintenance than simple inlets and standing water may be a breeding place for mosquitoes. Three feet each way is a convenient interior, horizontal dimension for yard catch basins and inlets; and brick makes a satisfactory material for walls, as it facilitates adjustment in the elevations of the castings. Surface inlet gratings should be specified to be set at least two inches below adjoining yard grades in order to intercept drainage effectively. Gratings in yard areas should be heavy enough to keep children from removing them.*† [Part VII]

§ 613.25 *Water distribution system.* The water distribution system comprises all new water mains and service lines, outside of building lines (or to a point near the building lines), needed for domestic water supply and fire protection for the project. While local regulations and practice will generally govern the

water system design in public rights-of-way, these requirements should be checked to insure an adequate supply for domestic uses and fire protection.*† [Part VIII]

§ 613.26 *Maximum rates of flow.* Although the average daily water consumption per dwelling unit on housing projects may vary from less than 200 gallons per day to almost 300 gallons, depending on the nature of the development and climatic conditions, these figures have no direct relation to the maximum rates of flow, or "maximum momentary demand," on which pipe sizes should be based. A table of recommended maximum rates of flow for determining sizes of water supply piping to housing projects and to buildings within projects may be obtained from the USHA.*† [Part VIII]

§ 613.27 *Pipe sizes.* Using the maximum rates of flow provided in the table referred to in Sec. 613.25 as a basis of design, pipe diameters should be calculated to give not less than 15 lbs. per sq. inch pressure at any fixture (preferably 20 lbs. for flush valves) with the ordinary minimum pressures in city mains. Where fire hydrants are located on supply lines, the domestic demand may be taken as the daily average consumption (ordinarily it will be negligible compared with the demand for hose streams) and pipe sizes should comply with the minimum requirements of the National Board of Fire Underwriters.*† [Part VIII]

§ 613.28 *Layout of services.* The simplest and (with respect to first cost) most economical arrangement for water supply is generally a single service to each building or small group of buildings. However, unless water is purchased at a flat rate or meter readings are "pooled," this arrangement may add greatly to the cost of water. Where water is purchased on a sliding scale, every effort should be made to arrange for the pooling of meter readings, so that all water consumed will be billed as if taken through a single service. If this arrangement is not feasible, it will generally be advantageous to take water through a master meter (for larger projects, through two or more connections off different mains, each connection with its master meter) and provide a distribution system within the project. The choice of method must be based on comparative cost analyses, weighing both first cost and project operating cost. Fire hydrants should be located on metered lines only when the cost of providing separate fire lines would be excessive. The local fire department, or other municipal authority, should be consulted on the location of all fire hydrants.*† [Part VIII]

§ 613.29 *Gas distribution system.* Pipe sizes, materials, and the layout of the gas distribution system will be governed by conditions of gas purchase, by the

nature of the soil, and the characteristics of the gas supply (source, pressure, water content, etc.). The recommendations of the local department or company may generally be taken as an acceptable basis of design, and reference may be made to "Standards for Gas Service," published by the United States Department of Commerce, National Bureau of Standards, or to the latest recommendations of the Distribution Committee of the American Gas Association. The installation of drip-pots at proper points should not be overlooked.*† [Part IX]

§ 613.30 *Street improvements.* The work referred to under this heading consists principally of street paving, street sidewalks, main water lines and main sewers and their appurtenances, which, although built as a part of the project and included in the general contract work, will be taken over and maintained by the municipality. Plans for such work should contain the full detail required for design and construction, with street profiles when necessary, grading details for intersections, plans for incidental changes in utilities, etc. Plans for street work must conform generally to established city standards. In general, the controlling design consideration, as in other elements of the project development, should be the lowest first cost compatible with low maintenance cost. Expensive types of street pavement, such as sheet asphalt or brick on concrete base, should be avoided when possible. It is recommended that plans for street work be kept separate, in so far as practicable, from plans for work within the site. This will facilitate obtaining approval of plans for street work from the city, which approval should be obtained from the municipal department having jurisdiction.*† [Part X]

NATHAN STRAUS,
Administrator.

SEPTEMBER 26, 1939.

[F. R. Doc. 39-3618; Filed, September 30, 1939; 9:17 a. m.]

TITLE 26—INTERNAL REVENUE
BUREAU OF INTERNAL REVENUE
[T. D. 4948]
INCOME TAX

AMENDING ARTICLE 27 (A)—3 (A) OF REGULATIONS 101, AND SUCH ARTICLE AS MADE APPLICABLE TO THE INTERNAL REVENUE CODE, TO PROVIDE THAT A RENEWAL WILL NOT PREVENT AN INDEBTEDNESS FROM BEING WITHIN SECTION 27 (A) (4) OF THE INTERNAL REVENUE CODE AND THE REVENUE ACT OF 1936

To Collectors of Internal Revenue and Others Concerned:

PARAGRAPH A. Regulations 101¹ as made applicable to the Internal Revenue Code

¹ 4 F.R. 616, 700, 803 DI.

by Treasury Decision 4885, approved February 11, 1939, (Part 465, Subpart B of Title 26, Code of Federal Regulations) are hereby amended by inserting immediately preceding article 27 (a)-1 (section 9.27 (a)-1 of such Title 26) the following:

SEC. 222. REVENUE ACT OF 1939 (RENEWAL OF INDEBTEDNESS).

(a) Section 27 (a) (4) of the Internal Revenue Code (relating to corporation credit for amounts used or set aside to pay indebtedness) is amended by inserting at the end thereof the following new sentence: "A renewal (however evidenced) of an indebtedness shall be considered an indebtedness."

(b) The amendment made by subsection (a) shall be applicable to taxable years beginning after December 31, 1938.

PAR. B. Regulations 101 are hereby amended by inserting immediately preceding article 27 (a)-1 (section 9.27 (a)-1 of Title 26, Code of Federal Regulations) the following:

SEC. 222. REVENUE ACT OF 1939 (RENEWAL OF INDEBTEDNESS).

(c) Section 27 (a) (4) of the Revenue Act of 1938 (relating to corporation credit for amounts used or set aside to pay indebtedness) is amended by inserting at the end thereof the following new sentence: "A renewal (however evidenced) of an indebtedness shall be considered an indebtedness."

(d) The amendment made by subsection (c) shall be applicable to taxable years beginning after December 31, 1937.

PAR. C. Article 27 (a)-3 (a) of Regulations 101 (section 9.27 (a)-3 (a) of Title 26, Code of Federal Regulations) and the same article of Regulations 101 as made applicable to the Internal Revenue Code by Treasury Decision 4885, approved February 11, 1939, (Part 465, Subpart B of such Title 26) are hereby amended by striking out the last paragraph thereof and by amending the first paragraph to read as follows:

"(a) *Indebtedness.* The term 'indebtedness' means an obligation of the corporation, absolute and not contingent, to pay, on demand or within a given time, in cash or other medium, a fixed amount, existing at the close of business on December 31, 1937, and evidenced by a bond, note, debenture, certificate of indebtedness, mortgage, or deed of trust, issued by the corporation and in existence at the close of business on December 31, 1937, or by a bill of exchange accepted by the corporation prior to, and in existence at, the close of business on December 31, 1937. If the indebtedness was so evidenced at the close of business on December 31, 1937, it is still an indebtedness within the meaning of section 27 (a) (4) though, prior to the time payment is made or amounts are irrevocably set aside, it has been renewed. Such renewal need not be evidence by one of the types of instruments enumerated in section 27

(a) (4), but it is sufficient if the debtor-creditor relationship evidenced by one of such instruments at the close of business on December 31, 1937, continues. An indebtedness once so renewed may be again renewed without depriving the corporation of the benefits of section 27 (a) (4). Indebtedness incurred after December 31, 1937, is not indebtedness within the meaning of section 27 (a) (4) even though the proceeds of the loan are used to discharge an indebtedness falling within the provisions of that section, as, for example, where money is borrowed from A to pay B, but, if the creditor remains the same and the transaction is in effect a renewal, the mere fact that it takes the form of a new borrowing, the proceeds of which are simultaneously used to discharge the prior obligation, will not of itself prevent the transaction from being a renewal within the meaning of section 27 (a) (4) and this article.

"The mere substitution, after December 31, 1937, of several instruments for one instrument, or one instrument for several instruments, existing at the close of business on such date, where there is no change in terms except the substitution of a series of different amounts equal in the aggregate to the total principal amount of the instrument or instruments surrendered (as, for example, where two \$50,000 bonds are issued in exchange for one \$100,000 bond, or where one \$100,000 bond is issued in exchange for two \$50,000 bonds), or the reissue of a lost or destroyed instrument, or the issue of a new instrument to a transferee, will not deprive a corporation of the benefits of section 27 (a) (4).

"Indebtedness incurred through the assumption of the liabilities of another is not indebtedness within the meaning of section 27 (a) (4) unless such assumption took place prior to January 1, 1938, and such indebtedness was evidenced at the close of business on December 31, 1937, by one or more of the instruments enumerated in such section, issued by the taxpayer prior to, and in existence at, the close of business on such date."

(This Treasury decision is prescribed pursuant to section 222 of the Revenue Act of 1939 (Public, No. 155, Seventy-sixth Congress, first session), section 62 of the Internal Revenue Code (53 Stat. Part 1), and section 62 of the Revenue Act of 1938 (52 Stat. 480, 26 U.S.C., Sup. IV, 62))

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved, September 28, 1939.

JOHN W. HANES,
Acting Secretary of the Treasury.

[F. R. Doc. 39-3623; Filed, September 30, 1939; 11:28 a. m.]

TITLE 30—MINERAL RESOURCES
BITUMINOUS COAL DIVISION

[Order No. 282]

ORDER REQUIRING CODE MEMBERS TO FILE REPORTS AND CONTRACTS PURSUANT TO SECTIONS 10 AND 4, II, (A) OF THE BITUMINOUS COAL ACT OF 1937

The Director being of the opinion that the effective administration of the Bituminous Coal Act of 1937 requires that all written contracts claimed to be exempt from the provisions of Section 4, II, (e) of the Bituminous Coal Act of 1937, on the grounds that they are lawful and bona fide and were entered into prior to June 16, 1933, be filed with the Bituminous Coal Division; and

The National Bituminous Coal Commission, having on the 15th day of July, 1937, issued its Order No. 14¹ which, among other things, directed each Code Member, within twenty (20) days from the date of such Order, to file with the proper Statistical Bureau of the Commission copies of all contracts for the sale of coal entered into on or before the 26th day of April, 1937, and which contracts are claimed to have been in effect at any time after that date:

Now, therefore, it is ordered, That each Code Member file with the Bituminous Coal Division in Washington, D. C., within fifteen (15) days from the date of this Order, or, in the case of a person who becomes a Code Member after the date of this Order, within fifteen (15) days from the date of his acceptance of the Code, a notarized report setting forth the following information:

(a) Whether or not he has outstanding any lawful and bona fide written contract entered into prior to June 16, 1933, which he believes comes within the proviso of the first sentence of Section 4, II, (e) of the Bituminous Coal Act of 1937;

(b) Identifying such contracts, if any, by stating the names of the parties thereto, and the date such contracts were entered into;

(c) A statement as to which of such contracts, if any, were filed with the National Bituminous Coal Commission pursuant to its Order No. 14.

It is further ordered, That all Code Members shall file together with such report certified copies of all contracts claimed to be exempt from the provisions of Section 4, II, (e) of the Act by reason of the fact that they are lawful and bona fide written contracts entered into prior to June 16, 1933, unless such contracts have been filed with the National Bituminous Coal Commission pursuant to its Order No. 14.

Dated, September 28, 1939.

H. A. GRAY,
Director.

[F. R. Doc. 39-3622; Filed, September 30, 1939; 11:27 a. m.]

¹ 2 F.R. 1233.

TITLE 31—MONEY AND FINANCE:
TREASURY

DIVISION OF PRINTING

[1939—Department Circular No. 618]

INSTRUCTIONS FOR PREPARING TREASURY
DEPARTMENT FORM 780, REVISED, WITH
OUTLINE OF SIMPLE PROCEDURE FOR
KEEPING RECORDS OF UNITED STATES
TAX-EXEMPTION CERTIFICATES AND TAX-
EXEMPTION IDENTIFICATION CARDS

SEPTEMBER 29, 1939.

*To the heads of the Executive Depart-
ments, Independent Establishments,
and Agencies of the United States:*

1. In order to insure the proper distribution and control of United States Tax-Exemption Certificates and Tax-Exemption Identification Cards, to insure the Federal and other taxing agencies concerned against the loss of revenue through the unauthorized use of the said forms, and to insure the return of unused certificates to the issuing office, existing regulations require that all departments, establishments, and agencies of the Federal Government maintain an adequate record of such certificates and identification cards and that semi-annual returns reflecting the status of these forms be submitted to the Treasury Department, Division of Printing. (See in this connection General Accounting Office General Regulations 86, Revised, paragraph 11.)

2. These returns will be made hereafter on Treasury Form 780, Revised (Semiannual Return—United States Government Tax-Exemption Certificates and Tax-Exemption Identification Cards), for each six months' period ending March 31 and September 30 of each year beginning with the return covering the period ending September 30, 1939. Such returns will not be supported by detailed schedules (Treasury Form 779) as heretofore required.

3. *Treasury Form 780, revised.* There is attached hereto,¹ as Exhibit A, a specimen copy of Treasury Form 780, Revised (Semiannual Return—United States Government Tax-Exemption Certificates and Tax-Exemption Identification Cards). Revisions have been made in this form to adapt it to the procedure for maintaining records with respect to the accountability for tax-exemption certificate books and tax-exemption identification cards suggested below.

4. *Departmental accountability records.* Each department, establishment and agency of the Government shall maintain proper accountability records from which may be ascertained readily:

(a) The quantity of unused books of tax-exemption certificates on hand and available for distribution to persons authorized to use them;

(b) The quantity of books in the possession of persons authorized to use the tax-exemption certificates;

(c) The quantity of books which have been returned by the persons to whom issued for reissue or cancellation; and

(d) The quantity of books which have been completely used within the six months' period for which the return is to be made.

5. *Suggested accountability records.* In order to simplify the preparation of the semiannual return (Treasury Form 780, Revised), it is suggested that consideration be given by each department, establishment, and agency to the maintenance of card records appropriately filed similar to those shown by the attached chart (Exhibit B).¹ This plan when applied to the maintenance of accountability records of books of tax-exemption certificates will operate as follows:

(a) When books are received there would be prepared—

(1) A chronological record showing the number of books received.

(2) A card record for each book providing places for subsequently inserting the name of the person to whom the book is furnished and the inclusive numbers of the certificates contained in each book. These cards will be placed in a file in numerical sequence as illustrated in the attached chart. The detailed form of such card record would depend on the policy of the department with respect to the nature and extent of the data relative to the use of individual certificates which it is desired to record on each such card and the nature of administrative reports required of users of books.

(b) When unused books are returned to the Division of Printing, Treasury Department, they will be entered on a chronological record of books returned, and the appropriate cards will be removed from the "New Book" numerical file (File 1 on attached Exhibit B).

(c) When books are issued to persons authorized to use them, the card representing the book will be withdrawn from the numerical file (File 1), the name of the user will be inserted thereon, and the card filed in alphabetical sequence in the "Books in Use" file (File 2, Exhibit B).

(d) When partially used books are returned for reissue, the corresponding card will be removed from the alphabetical file (File 2) and transferred to a file for partially used books maintained in numerical sequence (File 3).

(e) When books are completely used, the covers of such books (Standard Form 1094a, Revised), with inclosed completed tabulation sheet will be returned by the user to the administrative office concerned, and on the basis of these the corresponding cards will be removed from the alphabetical "Books in Use" file (File

¹ Not filed with original document; requests for copies should be addressed to Division of Printing, Treasury Department.

2) and placed in numerical sequence in the "Completely Used Books" file (File 4). Entries may be made on these cards from the tabulation sheet opposite the appropriate certificate to indicate the dates (and other desired data) with respect to the individual certificates used. The books and tabulation sheets should be retained as a detailed record of the certificates used.

6. *Preparation of Return (Treasury Form 780, Revised) From Accountability Record Cards.* Where the above system is used the required semiannual return (Treasury Form 780, Revised) can be prepared largely through a count of the cards as follows:

Item	Source
(1) Balance on hand at beginning of period:	
(a) Unissued (New).	Previous report (item 6).
(b) Unissued (Partially used).	Previous report (item 6).
(c) In use-----	Previous report (item 6).
(2) Procured from issuing office during period.	Record of books (or cards) received during period.
(3) Total to be accounted for.	Total of items (1) and (2) above.
(4) Unused books and cards returned to issuing office during period.	Record of books and cards returned.
(5) Books completely exhausted and cards voided during period.	Section 4 of the file on Exhibit B. (These cards should be removed after each reporting period.)
(6) Balance on hand at end of period:	
(a) Unissued (New).	Section 1 of file on Exhibit B.
(b) Unissued (Partially used).	Section 3 of file on Exhibit B.
(c) In use-----	Section 2 of file on Exhibit B.

7. *Consolidated Return to be Submitted by Each Department, Establishment, and Agency to Division of Printing, Treasury Department (Return of Field Offices or Other Subdivisions to be Submitted to Administrative Office Concerned).* Each department, establishment and agency shall designate an official to serve as procuring officer. Such procuring officer for each department, establishment, and agency will be required to submit a consolidated return (Treasury Form 780, Revised) covering all tax-exemption certificate books and tax-exemption identification cards procured by that department, establishment, or agency from the Treasury Department, Division of Printing. It will be the responsibility of such procuring officer to maintain the necessary accountability records and to provide for the necessary administrative reports covering books and cards issued to field offices and other subdivisions of the particular department, establishment, or agency for reissue to individual users in order that such consolidated returns can readily be prepared.

8. *Tax-Exemption Certificate Books in Use Outside Continental Limits of the United States.* The status of books 60 days prior to the close of the semiannual period may be utilized as the basis for compiling the return for books in the possession of officials who are outside the continental limits of the United States. Reports received by the procuring officer relating to such books (although such reports do not include transactions during the last 60 days of the semiannual period) may, for the purpose of preparing the return, be regarded as the status at the close of the semiannual period and be merged with the other reports that are dated the last day of the semiannual period.

By direction of the Secretary.

W. N. THOMPSON,
Acting Administrative Assistant
to the Secretary.

[F. R. Doc. 39-3630; Filed, September 30, 1939; 12:26 p. m.]

TITLE 41—PUBLIC CONTRACTS

DIVISION OF PUBLIC CONTRACTS

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE PAPER AND PULP INDUSTRY

This matter is before me pursuant to Section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III, 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes" (hereinafter called the Act). The Public Contracts Board, created in accordance with Section 4 of said Act by Administrative Order dated October 6, 1936, held a hearing on March 27, 1939, in the above entitled matter.

Notice of this hearing¹ was sent to all known members of the industry, to trade unions, to trade publications, and to trade associations in the field. Invitation to attend the hearing was extended through the national press to all other interested parties.

Appearances were entered by representatives of several individual members of the industry, the American Paper and Pulp Association, the National Paperboard Association, International Brotherhood of Paper Makers, International Brotherhood of Pulp, Sulphite and Paper Millworkers, and Paper Workers Organizing Committee. Testimony was presented by representatives of the American Paper and Pulp Association and the National Paperboard Association.

A survey of the wages paid in the paper and pulp industry as of October, 1938 and supplementary data were received at the hearing and made a part of the record.

On the basis of the evidence, the Board made its findings and recommended that I find the prevailing min-

imum wage in the industry to be the amount indicated for each of the following groups of States: 35 cents an hour or \$14.00 per week of forty hours, arrived at either upon a time or piece work basis, for the States of Virginia, North Carolina, South Carolina, Georgia, Alabama, Tennessee, Kentucky, Mississippi, Louisiana, Arkansas, Oklahoma, Florida, and Texas; 50 cents an hour or \$20.00 per week of forty hours, arrived at either upon a time or piece work basis, for the States of Washington, Oregon, and California; and 40 cents an hour or \$16.00 per week of forty hours, arrived at either upon a time or piece work basis, for the District of Columbia and the other 32 States.

On June 8, 1939, the Administrator, Division of Public Contracts, circularized the Board's recommendations in order that all parties might have full opportunity to register their objection or approval before a decision in the matter was made by the Secretary of Labor. Several briefs were filed expressing approval of or objection to the Board's recommendations. A brief objecting to the recommendations was filed by the American Paper and Pulp Association in behalf of the industry. This brief alleged that the definition of the industry as contained in the Board's recommendations was too restrictive; that the industry did and does have an apprenticeship, learner and handicapped worker problem and may wish to establish a need for a tolerance for such workers at a subsequent time; that the wage structure in the industry warrants the establishment of a central zone lying between the Northern and Southern regions in accordance with the grouping made under the National Recovery Administration; that the Pacific Coast States should be grouped with the Northern States for purposes of a minimum wage determination; and that the recommendations did not give sufficient consideration to the minimum wage paid to female workers in the industry.

The evidence of record appears to show adequately the wage structure in that industry which is engaged in the manufacture of pulp and other fiber, and the primary conversion of pulp and other fiber into paper and paperboard, and in addition, the manufacture and conversion of primary paper into toilet paper and paper towels, coated book paper and paper shipping sacks. It was alleged by the National Paperboard Association that the wage survey did not include the manufacture of certain paperboard items. The record shows, however, that the prevailing minimum wage in the manufacture of such paperboard is similar to that prevailing in the manufacture of paper and the paperboard covered by the survey.

For this reason and for the further reason that it is not possible to segregate properly by definition the paperboard products referred to by the National Paperboard Association, such products will be regarded as within the

industry as defined for this determination. If the companies manufacturing any paperboard items not covered by the survey should in the future be deprived of Government contracts because of this wage determination, they will be given another opportunity to file complete information with the Department for further consideration.

The evidence of record indicates that there are approximately 125,000 production workers in the industry as defined. The survey covered approximately 90,000 such workers, or 80 percent of the total employees in the industry. It appears that this survey adequately shows the wage structure existing in the industry.

Slightly over 27,000 workers are reported as receiving base rates. This number includes the employees of the industry receiving minimum wages and constitutes ample basis for finding the prevailing minimum wage in the industry.

A tabulation of the base rates shows appreciable wage differentials in different sections of the country. The Southern States show lower wage rates in general than the Northern States, while the highest rates are found in the far West.

In the Southern States, 4,423 workers are found at the base rates ranging from 25 to 52 cents an hour. The heaviest concentration is found at 40 cents an hour, but below this rate are found 54.4 percent of the workers in this locality receiving base rates. At 34, 35 and 36 cents an hour are found 629 workers or 14.2 percent of the total base rate employees. This represents the central tendency of distribution, and the Board's recommendation that I find 35 cents an hour to be the prevailing minimum wage for the Southern States appears to be supported by the record. In the Northern States 20,023 employees are found at base rates ranging from 25 to 64 cents an hour. The outstanding concentration takes place at 40 cents an hour, and the Board has recommended that I find 40 cents an hour to be the prevailing minimum wage in the Northern States. It appears, however, that a considerable number of employees in the Northern States receive wages at 38 and 39 cents an hour, and I find in this case that the midpoint of the three 1-cent intervals of 38, 39 and 40 cents represents the central tendency of the distribution.

In the States of California, Oregon, and Washington, 2,651 workers are at the base rates and 21.9 percent are found at 50 cents an hour. The Board's recommendation that I find the prevailing minimum wage for these States to be 50 cents an hour appears to be supported by the evidence.

The contention made by the American Paper and Pulp Association that I find a prevailing minimum wage for a central zone appears not to be substantiated by the evidence of record; the contention that the States of Washington, Oregon, and California should be included with the Northern States likewise appears to be not supported by the record.

¹ 4 F.R. 1276 DI.

Although no showing for the need of a tolerance for apprentices, superannuated, or handicapped workers have been made, if the need for a tolerance for such workers is established in the future, the matter of modifying this determination will be considered.

It is noted that there exists in the industry a practice whereby the employees of the industry for the sake of convenience pay, through the instrumentality of the employer's disbursing office, certain obligations. Whether or not such practice contravenes the provisions of Section 1 (b) of the Act must be decided only upon full disclosure of all facts involved.

Where there exists at the plant of any bidder on Government contracts subject to the provisions of the Public Contracts Act a practice of so using its disbursing office for the convenience of its employees, and where this practice has been in existence at the plant for a long continued period of time, the bidder should submit a full statement of the facts to the Administrator, Division of Public Contracts, for a determination as to whether or not the practice contravenes the provisions of Section 1 (b) of the Act.

I have examined the findings of the Board and the record of the hearing, together with the briefs filed, and in the light of the facts

I hereby determine

The minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), for the manufacture or furnishing of pulp and other fiber and the primary conversion of pulp and other fiber into paper and paperboard, and in addition, the manufacture and conversion of primary paper into toilet paper and paper towels, coated book paper and paper shipping sacks, to be the amount indicated for each of the following groups of States:

For the States of Virginia, North Carolina, South Carolina, Georgia, Alabama, Tennessee, Kentucky, Mississippi, Louisiana, Arkansas, Oklahoma, Florida, and Texas, 35 cents an hour or \$14.00 per week of forty hours, arrived at either upon a time or piece work basis;

For the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Ohio, Indiana, Michigan, Wisconsin, Illinois, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, and the District of Columbia, 39 cents an hour, or \$15.60 per week of forty hours, arrived at either upon a time or piece work basis;

For the States of Washington, Oregon, and California, 50 cents an hour or \$20.00 per week of forty hours, arrived at either upon a time or piece work basis.

This determination shall be effective and the minimum wages hereby established shall apply to all such contracts, bids for which are solicited on or after October 15, 1939.

[SEAL] FRANCES PERKINS,
Secretary of Labor.

Dated, September 26, 1939.

[F. R. Doc. 39-3639; Filed, October 2, 1939; 12:03 p. m.]

TITLE 43—PUBLIC LANDS BUREAU OF RECLAMATION

[No. 27]

SUN RIVER IRRIGATION PROJECT, MONTANA,
GREENFIELDS DIVISION, PART TWO

PUBLIC NOTICE OPENING PUBLIC LANDS TO
ENTRY AND ANNOUNCING AVAILABILITY OF
WATER FOR PUBLIC AND PRIVATE LANDS

SEPTEMBER 21, 1939.

1. Land for which water will be furnished. In pursuance of the Act of June

17, 1902 (32 Stat., 388), and acts amendatory thereof or supplementary thereto, announcement is hereby made that upon proper arrangements being made with the Greenfields Irrigation District, water will be available under the Greenfields Division of the Sun River Irrigation Project, Montana, during the remainder of the irrigation season of 1939, and thereafter, for the irrigable lands which on farm unit plats for Townships 21 and 22 North, Ranges 1 East and 1 and 2 West, Montana Principal Meridian, and, beginning on October 25, 1939, entry may be made in accordance with this notice for the following described vacant public land farm units, except those farm units indicated in the following list which are now subject to contestant's rights. Should any of these lands now subject to preference rights acquired under the Act of July 26, 1892 (27 Stat., 270) be returned to the status of vacant public lands, such lands shall likewise become subject to the terms of this notice.

Montana Principal Meridian

Township north	Range east	Section	Farm unit	Or the—	Irrigable area
					Acres
21	1	6	A	Lots 1, 2, 3, and 4.	76
21	1	6	B	Lots 6, 7, and E $\frac{1}{2}$ SW $\frac{1}{4}$.	100
21	1	8	A	N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 8, and S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 5.	125
21	1	8	B	S $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 8, and E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 7.	65
Township north	Range west	Section	Farm unit	Or the—	Irrigable area
					Acres
21	1	1	A	Lots 2, 3, and 4.	94
21	1	1	B	SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$.	86
21	1	1	D	N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.	30
21	1	1	C	Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 1, and Lot 5, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 6, 21 N., R. 1 E.	89
21	1	2	F	SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.	83
21	1	4	G	S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, Lot 2, S $\frac{1}{2}$ NE $\frac{1}{4}$.	77
21	1	7	E	Lots 3, and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$.	90
21	1	7	F	SE $\frac{1}{4}$.	64
21	1	8	E	SW $\frac{1}{4}$.	76
21	1	8	F	NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.	36
21	1	9	F	NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.	57
21	1	10	D	SE $\frac{1}{4}$.	108
21	1	11	D	NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.	73
21	1	11	E	SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 11, and N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 14.	97
21	1	11	F	E $\frac{1}{2}$ SE $\frac{1}{4}$.	77
21	1	12	A	SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$.	78
21	1	12	B	SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.	73
21	1	12	C	NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$.	74
21	1	12	D	S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.	96
21	1	13	A	W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$.	71
21	1	17	C	SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 17, and NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 20.	125
21	1	17	D	S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 17, and S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 20.	102
21	1	18	A	Lots 1, 2, 3, and 4.	87
21	1	18	D	S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 18 and E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 19.	87
21	1	18	E	SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18, and N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 19.	134
21	2	12	C	S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.	116
22	1	14	B	SW $\frac{1}{4}$.	123
22	1	17	C	W $\frac{1}{2}$ SW $\frac{1}{4}$.	58
22	1	17	D	SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.	70
22	1	18	D	Lots 1, 2, E $\frac{1}{2}$ SW $\frac{1}{4}$.	113
22	1	18	E	NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.	88
22	1	19	D	N $\frac{1}{2}$ SE $\frac{1}{4}$.	75
22	1	19	E	S $\frac{1}{2}$ SE $\frac{1}{4}$.	71
22	1	20	G	N $\frac{1}{2}$ SW $\frac{1}{4}$.	76
22	1	20	H	S $\frac{1}{2}$ SW $\frac{1}{4}$.	72
22	1	21	A	NE $\frac{1}{4}$.	94
22	1	21	D	N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.	71
22	1	21	E	S $\frac{1}{2}$ SW $\frac{1}{4}$.	79
22	1	21	F	S $\frac{1}{2}$ SE $\frac{1}{4}$.	77
22	1	25	A	SW $\frac{1}{4}$.	67
22	1	27	A	NW $\frac{1}{4}$.	64
22	1	27	B	NW $\frac{1}{4}$.	56
22	1	27	C	NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 27, and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 28.	89

Montana Principal Meridian—Continued

Township north	Range west	Section	Farm unit	Or the—	Irrigable area
22	1	27	D	SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 27, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 28.	95
22	1	28	A	NE $\frac{1}{4}$	72
22	1	28	B	NW $\frac{1}{4}$	77
22	1	28	E	S $\frac{1}{2}$ SW $\frac{1}{4}$	63
22	1	28	F	W $\frac{1}{2}$ SE $\frac{1}{4}$	64
22	1	29	A	N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$	115
22	1	29	B	S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$	92
22	1	29	C	N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$	60
22	1	30	E	SE $\frac{1}{4}$	101
22	1	30	H	Lot 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 30, and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25, T. 22 N., R. 2 W.	73
22	1	30	G	Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 30, and Lot 1, Sec. 31.	104
22	1	31	F	NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 31, and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 32.	121
22	1	31	O	E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$	102
22	1	31	D	N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	85
22	1	32	A	E $\frac{1}{2}$ NE $\frac{1}{4}$	79
22	1	32	B	W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 32, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31.	80
22	1	32	C	E $\frac{1}{2}$ SW $\frac{1}{4}$	71
22	1	32	D	SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$	115
22	1	32	E	E $\frac{1}{2}$ SE $\frac{1}{4}$	77
22	1	33	A	E $\frac{1}{2}$ NE $\frac{1}{4}$	77
22	1	33	B	W $\frac{1}{2}$ NE $\frac{1}{4}$	80
22	1	33	C	E $\frac{1}{2}$ NW $\frac{1}{4}$	80
22	1	33	D	W $\frac{1}{2}$ NW $\frac{1}{4}$	79
22	1	33	E	W $\frac{1}{2}$ SW $\frac{1}{4}$	78
22	1	33	F	E $\frac{1}{2}$ SW $\frac{1}{4}$	78
22	1	33	G	W $\frac{1}{2}$ SE $\frac{1}{4}$	76
22	1	33	H	E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 33, and Lot 5 Sec. 4, T. 21 N., R. 1 W.	88
22	1	34	E	E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 34, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27.	78
22	1	34	B	NW $\frac{1}{4}$	122
22	1	34	C	SW $\frac{1}{4}$	116
22	1	34	D	SE $\frac{1}{4}$	118
22	1	35	G	N $\frac{1}{2}$ NE $\frac{1}{4}$	74
22	1	35	H	S $\frac{1}{2}$ NE $\frac{1}{4}$	53
22	2	8	H	N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 8, and SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 9.	82
22	2	13	F	S $\frac{1}{2}$ SE $\frac{1}{4}$	74
22	2	25	E	S $\frac{1}{2}$ NE $\frac{1}{4}$	74
22	2	25	G	W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$	113

¹ Opened for entry at this time only by successful contestants under the Act of July 26, 1892 (27 Stat. 270).

The farm unit plats referred to above were approved on the date of this notice and are on file in the office of the Superintendent, Bureau of Reclamation, Fairfield, Montana, and in the local land office at Great Falls, Montana.

2. *Limit of acreage for which entry may be made or water secured.* For the farm units described above, and any other lands covered by this notice which may become subject to homestead entry, the limit of area of public land per entry, representing the area which, in the opinion of the Secretary of the Interior, may be reasonably required for the support of a family upon such land, is fixed at the amounts shown upon the said farm unit plats for the respective farm units thereon. The maximum limit of area for which water may be secured for state lands or lands in private ownership shall be 160 acres of irrigable land for each land owner.

3. *Preference rights to ex-service men.* Pursuant to the provisions of joint Public Resolution No. 85, 71st Congress, approved June 12, 1930 (46 Stat., 580), and until January 23, 1940, the farm units described above with the exceptions mentioned and indicated in paragraph 1, will be open to entry only by officers, soldiers, sailors, or marines who have served in the Army or Navy of the United States, in any war, military occupation, or military expedition, and have been honorably separated or discharged therefrom or placed in the regular Army or Naval Reserve. The same preference rights are applicable to those citizens of the United States who served with the allied

armies during the World War and who were honorably discharged, upon their resumption of citizenship in the United States, provided the service with the allied armies was similar to the service with the Army of the United States for which recognition is granted in the aforesaid Public Resolution No. 85: *Provided, however,* That they must be qualified to make entry under the homestead laws and also possess the qualifications as to industry, experience, character, and capital required of all applicants under this notice.

4. *Preference rights by contest.* An applicant claiming a preference by contest under the Act of July 26, 1892 (27 Stat., 270), for the farm units designated in paragraph 1 as being subject to such preference, shall attach to his application a statement supporting his claim. Such statement shall include the name and serial number of the local land office.

5. *Applicants must be qualified.* No entry shall be accepted by the local land office until the applicant therefor has satisfied the examining board appointed for the Sun River Project to consider such matters, that he is possessed of such qualifications (in addition to the qualifications required under the homestead laws) as to industry, experience, character, and capital, as in the opinion of the board are necessary to give reasonable assurance of success by the prospective settler.

6. *Requirements as to industry, experience, character and capital.* Each applicant must possess good health and have had at least two years' actual ex-

perience in farm work and farm practice. He must have at least \$2,000 in money free of liability or the equivalent thereof in livestock, farming equipment, or other assets deemed by the examining board to be as useful to the applicant as money, except as otherwise provided in paragraph 8 hereof.

7. *Examining board.* An examining board of three members has been appointed by the Secretary of the Interior, to consider the fitness of each applicant to undertake the development and operation of a farm on the Sun River Project. Each applicant, except those described in paragraph 13 (a), must appear in person before the examining board, and the Superintendent, who is the member representing the United States, and who will act as secretary of the board, will notify each applicant of the period of time set for his appearance and examination. The members of the board will be present at the project office when the opening is being held, and interested applicants, and particularly non-residents, will be examined at such times as it is convenient for them to be present. There must be, of course, some limit of time covering this feature, and the board will fix this limit, and will also announce such other incidental rules as will necessitate one appearance only by each applicant. Careful investigation shall be made to verify the statements and representations made by applicants, to the end that no misunderstanding may prevail, either regarding the applicant's fitness or his appreciation of the problem before him.

8. *Determination of relative standing of applicants.* The relative standings of the applicants will be based upon a percentage rating with the following maximum weights given to the four prescribed qualifications:

	Percent
Character	15
Industry	20
Capital	30
Farm experience	35

Applicants will be rated according to the following schedules and no applicants will be considered eligible who fall below the minimum named in any one of the headings of these schedules, or who do not, in the opinion of the board, possess the health and vigor necessary for active farm work:

Character:	Percent
Fair	15
Good	6 to 10
Excellent	11 to 15
Industry:	
Fair	15
Good	6 to 10
Excellent	11 to 20
Capital:	
\$2,000 to \$2,999	127
\$3,000 to \$3,999	28
\$4,000 to \$4,999	29
\$5,000 or above	30

¹ Minimum.

Provided, That in the event an applicant does not possess sufficient unencumbered assets for the establishment of an economically sound farming operation upon

one of the farm units described in paragraph 1, but he is able within 15 days from the date of his appearance before the examining board for examination, to furnish a certificate or other satisfactory showing that he will be granted a loan by the Farm Security Administration, Department of Agriculture, of an amount of money which will be sufficient, either itself or together with his personal net worth as determined from his original farm application, for the establishment of an economically sound farming operation, the examining board, under authority of the Act of August 7, 1939 (Public No. 307—76th Congress, 1st Session), will reconsider his application for making such change in the applicant's rating on capital as will reflect the additional asset of the loan assured to him by the Farm Security Administration. To enable the examining board to give a definite rating to each application, in accordance with the scale set forth under "Capital" in this paragraph 8, the exact total amount of any such prospective loan shall be stated in the certificate or other showing presented. *Provided, however,* That no loan by the Farm Security Administration shall be considered in lieu of the possession by any applicant of equivalent actual assets after June 30, 1940. *Provided, further,* That where such farm units have or may be improved by means of funds made available by the Farm Security Administration, the Secretary of the Interior, as authorized by the said Act of August 7, 1939, shall require the entryman of any such unit to enter into a mortgage contract with the Farm Security Administration to repay the value of such improvements thereon before entry is allowed.

Farm experience:	Percent
A. In farming other than irrigation:	
2 years, any time.....	10
Additional credit of 5% to be allowed for each year in farming other than irrigation for more than 2 years, up to a total of 7 years (10% for 2 years, plus 5% per year up to 5 additional years), or a maximum of.....	35
B. In irrigation farming:	
2 years, any time.....	15
2 years, in last 4 years.....	20
2 years, in last 2 years.....	25
3 years, in last 4 years.....	30
3 or more years in responsible charge of irrigation farm in last 4 years.....	35
¹ Minimum.	

In determining the percentages to be given for experience under irrigated farming, the members of the examining board may reduce the percentages from 1 to 5 percent, if, in their judgment, the experience indicated by the applicant as having been gained in other irrigated areas is not of the type that would justify his being rated for farming under the particular conditions on the Sun River project, at any of the percentages above listed.

9. *When, and how to apply for a farm unit.* Any person desiring to acquire any of the farm units described in paragraph 1 must, as a first step, secure from the Superintendent, Fairfield, Montana, or

from the Commissioner, Bureau of Reclamation, Washington, D. C., a farm application blank. The blanks will be available on and after the date of this notice, and full answer must be made to each question propounded therein. The farm application must designate in the first paragraph the particular farm desired. If the applicant claims a preference right on account of military service, he shall attach to this application an affidavit setting forth such military service. The affidavit shall state the applicant's time of service, the unit of which he was a member, the date on which he was honorably discharged, or separated, or transferred to the Regular Army or Naval Reserve, and that he did not refuse to wear the uniform of such service or to perform the duties thereof. If the applicant claims a preference right on account of military service with the allied armies during the World War, the affidavit should also state, if true, that the service with the allied armies was similar to the service with the Army of the United States for which recognition was granted in the said Public Resolution No. 85. There shall be attached to said affidavit a copy of such honorable discharge or separation from the service, or the order of transfer to the Regular Army or Naval Reserve. In the event that the original of an applicant's honorable discharge or of such order of transfer has been lost or otherwise is not readily available for copying purposes, a record of his military service and of his discharge, separation or transfer under the seal of the War Department may be furnished in lieu of the copy of the aforementioned original, and shall be attached to said affidavit.

10. *When and where to file the farm application.* The farm application with the proof to be furnished by the ex-service man, must be filed with the Superintendent at Fairfield, Montana, in person, if convenient, or by mail, or otherwise, prior to October 25, 1939, if the applicant desires to qualify under paragraph 11 below. No advantage will accrue to an applicant presenting his application in person rather than by mail, and, if the applicant does not reside at Fairfield, Montana, his application should be mailed. Farm applications received on or after October 25, 1939, will be filed and noted in the order of their receipt.

11. *Simultaneous filing of farm applications.* All applications received prior to October 25, 1939, the date of opening, will be held and treated as simultaneously filed.

12. *Preference rights for ex-service men not filing in accordance with Paragraph 11.* In order that ex-service men may take advantage of the preference right as provided in paragraph 3 of this notice, in the event that they fail to file prior to October 25, 1939, as set forth in paragraph 11 above, their applications together with the proof to be fur-

nished by them, must be filed in the office of the Superintendent, Fairfield, Montana, on or prior to January 23, 1940 the day before the date upon which the farm units herein described, except those units for which applications of ex-service men have been accepted, become open to entry by the general public. No advantage will accrue to an applicant presenting his application in person rather than by mail.

13. *Showing of applicants and selection thereof.* (a) Where the applicant, in the original application which he filed, failed to make a *prima facie* case—that is, where the applicant (1) does not possess good health; (2) fails to make the necessary showing as to character; (3) fails to make the necessary showing as to industry; (4) fails to make the necessary showing as to citizenship; (5) does not show at least two years' farm experience; (6) does not possess the assets required in paragraph 6; (7) is disqualified because of having already made homestead entry; (8) is the owner of more than 160 acres of land in the United States; (9) has not furnished any or satisfactory evidence of military service; (10) or is otherwise disqualified, the application shall be rejected and the applicant notified thereof by registered mail, with return receipt demanded, and of his right to appeal to the Secretary of the Interior within 10 days from receipt of such notification. All appeals allowed under this Public Notice No. 27 must be filed in the office of the Superintendent at Fairfield, Montana, and within 10 days from receipt by applicants of rejection notices.

(b) Each applicant who makes a *prima facie* case and has not been previously examined by the board shall be notified by the board, by registered mail, with return receipt demanded, of the time within which he must appear before it. After such personal examination, and after consideration of the showing made in the application, the board will rate the applicant in accordance with the scale set forth above, and place such rating in red ink, with the initials of each member of the board upon the face of the farm application blank. Should the applicant fail to appear for examination after due notice, his application will receive no further consideration by the board at that time. Should he later appear his application may be considered for any farm then remaining unassigned. The date of receipt of his application shall then be considered as being the day he actually appeared before the board. The rating necessary to establish qualification is the minimum named in Paragraph 8 of this Public Notice No. 27 for each of the requirements as to character, industry, capital and farm experience and the applications of all who fail to attain this minimum shall be rejected and the applicants notified thereof by registered mail, with return receipt demanded, and of their right to appeal to the Secretary

of the Interior within 10 days from receipt of such notification. After the expiration of the appeal periods fixed by the above mentioned notices, if any are required, to applicants who failed to make prima facie cases and to those who failed to attain the minimum rating, and in the absence of any pending appeals, the board shall select the 81 applicants having the highest ratings (there being 81 farm units described in paragraph 1 subject to entry and which number of units may be increased if any of the farm units subject to preference rights under the Act of July 26, 1892 (27 Stat., 270) later become available for disposal to other applicants). Immediately following the selection of the successful applicants the board shall send a notice by registered mail with return receipt demanded to each of the other applicants below the first 81 in qualification ratings, advising him of his rating, and that since the number of qualified applicants exceeds the number of available farms, his application must be held for rejection. Each applicant whose application is so held may appeal to the Secretary of the Interior within 10 days of receipt of such notice. In the event that any of the 81 applicants with the highest ratings fail to fulfill the requirements of paragraph 14 hereof, the examining board will select other applicants in the order of their qualification ratings to replace those of the selected applicants who failed to complete their filings before the land office. If necessary, the same procedure will be followed until homestead filings have been completed for all of the public land farm units opened to entry by this Public Notice. In the event that the number of qualified applicants is less than the number of available farm units, and also if in such case there are several applications for the same farm unit, the board shall assign a farm unit to each of such applicants. Whenever practicable, the board shall allow the applicants to exercise a choice of farms; and if it is found practicable to do so, the applicants will be given the right of selection, regardless of other applications, in the order of their ratings. The intent of the law is to select the best qualified applicants for the farms available, and the Government reserves the right to assign the farms regardless of individual preferences. Where two or more applicants have received identical ratings a drawing shall be made by the examining board to determine its selections and the order in which the available farms shall be awarded.

14. *Notification of applicant that he has been selected.* After the expiration of the period or periods fixed by notices to applicants in the contingencies named in paragraph 13 above, or any other that may arise, and upon the completion of action which may become necessary because of such notices, the board shall notify each applicant selected for a farm by registered mail with return receipt demanded, that he has

been selected for a farm unit. Such notice will also advise the selected applicant of the steps which he must take within 10 days from the receipt thereof to pay the charges required by the Greenfields Irrigation District for operation and maintenance or the delivery of water, before he is entitled to file a homestead application with the local land office to enter the farm unit designated in connection with his selection. Upon a proper showing by the said District that the selected applicant has made payment of such charges before the expiration of the said 10 day period, the secretary of the examining board will furnish each such applicant by registered mail, unless delivered to him in person, a certificate stating that his qualifications to enter public lands, as required by subsection C of Section 4 of the Act of December 5, 1924 (43 Stat., 702), have been passed upon and approved by that board. Such certificate, in which the applicant's ratings will also be stated, and a copy of which will be forwarded by the secretary of the board to the local land office immediately upon the issuance thereof, must be attached by the applicant to his homestead application when he files such application at the local land office at Great Falls, Montana. Such homestead application shall be made within 15 days from the date of the receipt by the applicant of the said certificate. Failure to make application for homestead entry within that period will render the application subject to rejection.

15. *Failure of selected applicant to complete transaction.* If the applicant fails to comply with any of the requirements named above the board will select the next highest in qualification rating, and when the list has been exhausted, and if there still remain lands unallotted, the board will consider applications filed thereafter in the order filed, and such applications will otherwise be handled by the board as prescribed in paragraph 13.

16. *General entry.* On and after January 24, 1940 any farm units described in paragraph 1 above which remain unentered, shall be subject to entry under this notice by any person having the necessary qualifications. If, on January 24, 1940, prior to 2 p. m., the number of applications filed exceeds the number of available farm units, then the right to make entry for any such farm unit shall be determined in accordance with paragraph 13 of this notice, the provisions of which shall continue in effect in a similar manner in the future if the number of applications at any time exceeds the number of remaining available farm units.

17. *Warning against unlawful settlement.* No person shall be permitted to gain or exercise any right under any settlement or occupation of any of the public lands covered by this notice except under the terms and conditions prescribed by this notice: *Provided, however, That*

this shall not affect any valid existing right obtained by settlement or entry while the land was subject thereto.

18. *All land to be included in an irrigation district.* Substantially all of the lands covered by this Public Notice are within the Greenfields Irrigation District organized under the laws of the State of Montana. For any of the lands covered by this notice which are not within that district, the applicant will take the proper steps necessary to have his land included in that district.

19. *Contract with Greenfields Irrigation District.* A contract was entered into June 22, 1926, between the United States and the Greenfields Irrigation District, providing for payment of charges and operation of works.

20. *Construction charges.* The construction cost shall be paid in accordance with the contract dated June 22, 1926, between the United States and the Greenfields Irrigation District.

21. *Operation and maintenance charges.* Under the terms of the said contract between the United States and the Greenfields Irrigation District, the District has assumed the control and operation and maintenance of the Greenfields division, including all of the lands covered by this Public Notice. Each selected applicant for any of the farm units described in this notice shall, as a condition precedent to the filing of homestead application with the local land office, pay to the Greenfields Irrigation District such charges in connection with the delivery of water to said applicant during the year in which the application is filed as may be established and required therefor by the District; and each such selected applicant or holders of private land and the existing unperfected homestead entries shown on the farm unit plats referred to in paragraph 1 hereof shall pay to said District in advance any applicable operation and maintenance charges as may be established and required by the District, in accordance with the District's contract with the United States. In the event of defaults in payment of operation and maintenance charges due to the District, with respect to any lands covered by this notice, delivery of irrigation water to lands so in default shall be withheld by the District in accordance with the provisions in said District contract.

22. *Reservation of rights of way for county highways and access roads.* Rights of way are reserved for county highways along all section lines, such rights of way being 30 feet in width on each side of said section lines. Other rights of way to interior farm units are reserved where indicated on the said farm unit plats.

23. *Waiver of mineral rights.* All homestead entries for any of the above described farm units, and for any lands covered by this notice which may become subject to such entry, will be subject to the laws of the United States governing mineral land and all homestead appli-

cants under this notice must waive the right to the mineral content of the land, if required to do so by the Land Office, otherwise the homestead application will be rejected or the homestead entry cancelled.

HARRY SLATTERY,
Under Secretary.

[F. R. Doc. 39-3616; Filed, September 30, 1939; 9:16 a. m.]

TITLE 46—SHIPPING

BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER A—DOCUMENTATION, ENTRY AND CLEARANCE OF VESSELS

§ 2.10 *Record of entrance and clearance of vessels* is amended to read as follows:

Permanent records will be kept at every customhouse of the entrance and clearance of vessels, foreign (Commerce Forms 1400 and 1401) and coastwise (Commerce Forms 1402 and 1403), and shall be open to public inspection; *Provided, however,* That during any period covered by a proclamation of the President that a state of war exists between foreign nations no records with regard to the entrance and clearance of vessels in the foreign trade shall be open to public inspection.

This amendment becomes effective immediately.

[Section 2, 23 Stat. 118, as amended (46 U.S.C. 2); R.S. 161 (5 U.S.C. 22)]

§ 5.10 *Shippers' export declarations* is amended to read as follows:

(a) The shippers and consignors of merchandise should deliver to the collector, before clearance of the exporting vessel is granted, verified declarations in duplicate, on Commerce Forms 7525, of the portions of the cargo to be shipped by them. The declarations may be verified on oath before the collector, his representative, or before notaries public or other persons authorized by law to administer oaths; *Provided, however,* That during any period covered by a proclamation of the President that a state of war exists between foreign nations, such declarations shall be filed in triplicate instead of in duplicate.

(b) On presentation the declarations should be scrutinized carefully to insure compliance with the requirement that the merchandise be correctly described, that the quantities be given in the units called for by the statistical schedule, and that values be correctly stated.

(c) When the declarations are accepted they should be numbered, the duplicates returned to the shippers for delivery with merchandise to the steamship company, and the originals filed in numerical order; *Provided, however,* That during any period covered by a proclamation of the President that a state of war exists between foreign nations the

triplicate copies of the declarations shall be retained by the collector of customs.

(See 15 CFR 305.7 et seq. for preparation of shipper's export declarations.)

[Section 4200 of the Revised Statutes, as amended by the Act of June 16, 1938, and Public Resolution 130, approved June 29, 1938 (46 U.S.C. 92); Act of April 29, 1902, as amended by the Act of May 17, 1932 (46 U.S.C. 95)] (R.S. 161 (5 U.S.C. 22)).

[SEAL] J. M. JOHNSON,
Acting Secretary of Commerce.

SEPTEMBER 30, 1939.

[F. R. Doc. 39-3628; Filed, September 30, 1939; 11:50 a. m.]

TITLE 50—WILDLIFE

BUREAU OF FISHERIES

SUBCHAPTER A—ALASKA FISHERIES

PART 211—PRINCE WILLIAM SOUND AREA FISHERIES

Section 211.15¹ is hereby amended to prohibit commercial fishing for herring after September 25, as follows:

§ 211.15 *Closed seasons, commercial herring fishing, except by gill nets or for bait purposes.* Commercial fishing for herring, except for bait purposes, is prohibited from January 1 to June 7, both dates inclusive, and for the remainder of the calendar year after September 25; *Provided,* That this prohibition shall not apply to the use of set and drift gill nets of mesh not smaller than 2½ inches stretched measure between knots in the period from November 16 to December 15, both dates inclusive.

(Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

HARRY SLATTERY,
Acting Secretary of the Interior.

SEPTEMBER 25, 1939.

[F. R. Doc. 39-3615; Filed, September 30, 1939; 9:16 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 662-FD]

IN THE MATTER OF THE APPLICATION OF
UPPER BUCHANAN SMOKELESS COALS,
INC., FOR PROVISIONAL APPROVAL AS A
MARKETING AGENCY

ORDER GRANTING PROVISIONAL APPROVAL

Applicant, Upper Buchanan Smokeless Coals, Inc., having on April 24, 1939 filed an application with the National Bituminous Coal Commission requesting provisional approval as a marketing agency pursuant to Order No. 6 issued by the Commission on June 21, 1937; and

¹ 4 F.R. 920 DI.

The Commission having, by Notice and Order for Hearing dated April 26, 1939, duly assigned the matter for hearing before an Examiner of the Commission on May 12, 1939, at the Hearing Room of the Commission, 734—15th Street NW., Washington, D. C.; and

A hearing having duly been held at the place designated in said Notice and Order for Hearing, on May 12, 16 and 25, 1939, at which appearances were entered on behalf of the Commission, the Consumers' Counsel, the Applicant, and District Board No. 7, and at which an opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing upon the issues was afforded to all interested parties; and

The Examiner having duly submitted his report and proposed findings of fact on June 27, 1939, a copy of which was duly served upon the Applicant and the Consumers' Counsel on June 30 and July 1, 1939, respectively, pursuant to Rule XXIVa of the Rules of Practice and Procedure before the Commission, and no exceptions having been filed to such report; and

The Director having duly considered the application, the testimony and exhibits presented at the hearing, the report of the Examiner, and the entire record in this proceeding, and having made Findings of Fact and Conclusions of Law upon the basis thereof, a copy of which is now on file in the office of the Division, Washington, D. C., and which by this reference are incorporated herein and made a part hereof:

It is ordered, That the application of Applicant for provisional approval as a marketing agency, pursuant to Section 12 of the Bituminous Coal Act of 1937 and Order No. 6 of the Commission, be and the same is hereby granted; and

It is further ordered, That Applicant may, as to its members, provide for the cooperative marketing of their coal at prices not below the effective minimum prices nor above the effective maximum prices prescribed in accordance with Section 4 of the Act, and pursuant to the marketing agency agreement between the Applicant and its producer-members executed on April 19, 1939, as amended by the supplemental agreement executed on May 18, 1939: *Provided, That:*

1. All producers who are financially or otherwise interested in Applicant, and all producers for whom Applicant proposes to sell coal, whether as agent, factor, wholesale distributor or otherwise, shall continue to be members in good standing of the Bituminous Coal Code promulgated by the Commission under the Bituminous Coal Act of 1937.

2. Applicant and each of its members shall observe the effective marketing regulations and the minimum and maximum prices from time to time established, and shall otherwise conduct the business and operations of Applicant in conformity with reasonable regulations

for the protection of the public interest, to be prescribed by the Division.

3. No producer who is a member of Applicant shall be financially or otherwise interested in, or be a member of, any marketing agency which fails to make application for or to secure approval as provided in Order No. 6 issued by the Commission on June 21, 1937; nor shall any producer who is a member of Applicant directly or indirectly market any coal through any such agency which fails to make such application or to secure such approval.

4. Applicant shall not enter into any agreement with any other marketing agency relating to the marketing of coal subject to the provisions of the Code and the Act, except with the approval of the Director of the Division first obtained.

5. All contracts and agreements entered into by Applicant shall be made subject to review and approval of the Director of the Division; and all such contracts and agreements shall be submitted to the Director of the Division for his approval.

6. If any producer who is a member of Applicant shall fail to retain his membership in good standing in the Code, Applicant shall terminate such producer's connection with the marketing agency.

7. Applicant shall notify the Director of the Division of any change in its membership, and shall submit to the Director for approval any application on the part of any producer for membership in Applicant with respect to any mine not now represented by Applicant.

8. The provisional approval herein granted shall extend and apply to the organization and general plan of operation of Applicant as a marketing agency, and shall not be construed as an approval of specific acts of Applicant with reference to the classification of coals and the determination of prices for specific coals.

If any of the aforesaid conditions shall not exist, or shall not be observed, the Director may, by order, suspend or revoke this order of approval.

This order of approval shall become effective on the date of publication thereof, and shall continue in effect for one year, subject to renewal upon application therefor, unless sooner suspended or revoked pursuant to Section 12 of the Act.

Dated, September 20, 1939.

H. A. GRAY,
Director.

[F. R. Doc. 39-3621; Filed, September 30, 1939; 11:27 a. m.]

[Docket Nos. 899-FD to 957-FD, inclusive]

Bituminous Coal Producers Board for
District No. 1, Complainant

vs.

Arrow Coal Corp., Atlantic Mining Co.,
Bear Rock Mining Co., Inc., Bird Coal

Co., The Big Bend Coal Mining Co., Big Vein Coal Co. of Lonaconing, Inc., Brothers Valley Coal Co., Cherry Run Coal Mining Co., Clyde Coal Co., Commercial Coal Mining Co., The Echo Mining Co., Eddy Coal Co., Enterprise Coal Mining Co., Inc., Forks Coal Mining Co., Gahagen Coal Co., Georges Creek Coal Co., Inc., A. D. Grasso, trading as Grasso Coal Mining Co., W. O. Gulbranson, Hamill Coal & Coke Co., Hamler Coal Mining Co., James Coal Mining Co., Kearney Coal Co., Kristianson and Johnson Coal Co., Inc., Laurel Run Coal Mining Co., Lincoln Coal Co., Inc., Lytle Brothers Coal Co., McClure Mining Co., Frank McCombie, trading as McCombie Coal Mining Co., James M. McIntyre & Co., Masteller Coal Co., Charles W. Davis, Receiver, Middle Pennsylvania Coal Corp., Mohawk Mining Co., Morris Run Coal Mining Co., Hannah Lochrie, trading as Mountain Top Coal Co., Northwestern Mining and Exchange Co. of Erie, Pa., Harper J. Guinn, trading as Peerless Coal Co., Penn Smokeless Fuel Co., Potomac Fuel Co., Inc., The Potomac Big Vein Georges Creek Coal Co., Pritts Brothers Coal Co., The Quality Coal Co., Inc., Quemahoning Valley Coal Co., Red Top Coal Co., W. W. Reed, trading as W. W. Reed Coal Co., Reid Coal Co., Inc., Ringgold Coal Co., Inc., Roys Smithing Coal Co., Shawmut Mining Co., Sheesley Coal Co., Smokeless Quemahoning Coal Co., Snow Shoe Coal Co., Sonman Run Mining Co., Sonman Shaft Coal Co., Stineman Coal & Coke Co., Superior Cherry Run Coal Corp., Vinton Colliery Co., Wabash Coal Co., Wallwork Coal Co., Yorkshire Coal Co., Defendants

NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Producers Board for District No. 1, Complainant, having filed with the Bituminous Coal Division, pursuant to Section 5 (b) of the Bituminous Coal Act of 1937, complaints alleging wilful violation by the above-named defendants of the Bituminous Coal Code and/or regulations made thereunder;

It is ordered, That a hearing on such matters be held on November 15, 1939, at ten o'clock, in the forenoon of that day at a hearing room of the Bituminous Coal Division, 2nd floor, Post Office Building, Altoona, Pennsylvania.

It is further ordered, That T. B. Cantrell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matters. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time,

and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to the complainant, to the defendants, and to any other person who may have an interest in such proceeding. Any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Bituminous Coal Division on or before November 10, 1939.

The matters concerned herewith are in regard to complaints filed by Bituminous Coal Producers Board for District No. 1, alleging wilful violation by the above-named defendants of the Bituminous Coal Code and/or regulations made thereunder for failure to pay District Board Assessments.

Dated, September 28, 1939.

H. A. GRAY,
Director.

[F. R. Doc. 39-3620; Filed, September 30, 1939; 11:27 a. m.]

DEPARTMENT OF AGRICULTURE

Division of Marketing and Marketing Agreements.

[Docket No. A-112, O-112]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND ORDER NO. 4, AS AMENDED, AND THE MARKETING AGREEMENT REGULATING THE HANDLING OF MILK IN THE GREATER BOSTON, MASSACHUSETTS, MARKETING AREA

Whereas, under the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture, hereinafter called the Secretary, issued Order No. 4 regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, effective 12:01 a. m., e. s. t., February 9, 1936; and

Whereas such order was last amended by the Secretary on January 13, 1939, effective January 16, 1939; and

Whereas the Secretary on January 13, 1939, executed a marketing agreement regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, effective January 16, 1939; and

Whereas the New England Milk Producers Association, Inc., has proposed certain amendments to said marketing agreement and to said Order No. 4, as amended; and

Whereas the Secretary has reason to believe that the declared policy of the act will be effectuated by holding a hearing on a proposal to amend Order No. 4, as amended, and said marketing agreement, and to review present marketing condi-

tions in the Greater Boston, Massachusetts, milkshed to determine what amendments, if any, should be made to said order and said marketing agreement:

Now, therefore, pursuant to the aforesaid act and general regulations issued thereunder, notice is hereby given of a hearing to be held on a proposal to amend Order No. 4, as amended, and the marketing agreement regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, beginning at 10:00 a. m., e. s. t., Monday, October 9, 1939, at State House Assembly Hall, Concord, New Hampshire, and continuing at 10:00 a. m., e. s. t., Tuesday, October 10, 1939, in Room 436, State House, Boston, Massachusetts.

This public hearing is for the purpose of receiving evidence as to the necessity for (1) revising the minimum Class I price and the Class II price formula; (2) revising the freight allowance applicable to milk transported from country plants; (3) excluding from the marketing area the towns of Beverly, Salem, Peabody, and Swampscott, Massachusetts; (4) revising the definition of delivery period to provide for semi-monthly pool computations; (5) redefining Class I milk; (6) revising the plant shrinkage allowance; (7) revising the provisions relating to milk of handlers who are also producers and adding provisions permitting special consideration in the pricing of milk to handlers who sell only a small proportion of their milk in the marketing area; (8) eliminating milk sold to State-supported institutions from the pool computations; (9) revising location differentials; (10) revising provisions relating to adjustments in producer payments; (11) including a provision to allow market service payments to cooperative associations from the gross value of pooled milk; (12) including a provision permitting special consideration in the pricing of milk received from sources beyond the normal supply area; (13) revising the relief milk pricing provisions; (14) including a provision requiring new producers to deliver their entire production of milk to the market in order to gain status as regular producers; and (15) revising the provisions relating to the classification of milk moved from other markets into the marketing area. Additional and different amendments may be proposed in the hearing and evidence given thereon.

Copies of said proposal prepared as a basis for the public hearing may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310 South Building, Washington, D. C., or may be there inspected.

[SEAL] F. W. REICHELDERFER,
Acting Secretary of Agriculture.

Dated, September 30, 1939.

[F. R. Doc. 39-3633; Filed, October 2, 1939;
10:07 a. m.]

[Docket No. A-113 O-113]

NOTICE OF A PUBLIC HEARING ON PROPOSED
MARKETING AGREEMENTS AND ORDERS
REGULATING THE HANDLING OF MILK IN
THE FALL RIVER, MASSACHUSETTS, MAR-
KETING AREA

Whereas, the New England Milk Producers' Association, Inc., and the Fall River Milk Producers' Association, Inc., have requested the Secretary to hold a public hearing on marketing agreements and orders prepared and proposed by such associations and designed to regulate the handling of milk in the Fall River, Massachusetts, marketing area; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement or the issuance of an order will tend to effectuate the declared policy of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, with respect to the handling of milk in the Fall River, Massachusetts, marketing area; and

Whereas, under said act notice of and opportunity for a hearing are required prior to the execution of a marketing agreement or the issuance of an order, and the General Regulations, Series A, No. 1, as amended,¹ of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice:

Now, Therefore, pursuant to said act and said general regulations, notice is hereby given of a public hearing to be held on the aforementioned marketing agreements and orders prepared and proposed by the aforementioned associations and designed to regulate the handling of milk in the Fall River, Massachusetts, marketing area.

This public hearing will be held in Watuppa Grange Hall, Westport, Massachusetts, at 10:00 a. m., e. s. t., October 13, 1939.

At this public hearing, representatives of the Secretary will receive factual evidence (1) as to whether marketing conditions for the handling of milk in the Fall River, Massachusetts, marketing area are so disorderly as to necessitate regulation in order that the declared policy of the act may be effectuated, and (2) as to the specific provisions which a marketing agreement or order should contain.

The proposed marketing agreements and orders provide, among other things, for: (1) selection of a market administrator; (2) classification of milk; (3) minimum prices; (4) reports of handlers; (5) payments to producers through the use of a market-wide equalization pool or individual handler pools; (6) payments to the market administrator for marketing services; (7) expenses of administration; and (8) base rating plans.

¹ 1 F. R. 155.

It is hereby declared that an emergency exists in the handling of milk in the aforesaid area, and that a shorter period of notice than fifteen (15) days is therefore required; and it is hereby determined that the period of notice given is reasonable under the circumstances.

Copies of the proposed marketing agreements and orders may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310 South Building, Washington, D. C., or may be there inspected.

[SEAL] F. W. REICHELDERFER,
Acting Secretary of Agriculture.

Dated, September 30, 1939.

[F. R. Doc. 39-3634; Filed, October 2, 1939;
10:07 a. m.]

[Docket No. A-114 O-114]

NOTICE OF HEARING WITH RESPECT TO A
PROPOSAL TO AMEND THE MARKETING
AGREEMENT AND ORDER NO. 34 REGULAT-
ING THE HANDLING OF MILK IN THE
LOWELL - LAWRENCE, MASSACHUSETTS,
MARKETING AREA

Whereas pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture, hereinafter called the "Secretary", executed a marketing agreement and issued an order¹ regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area, effective February 12, 1939; and

Whereas the New England Milk Producers Association, Inc., and others have proposed certain amendments to said marketing agreement and said order; and

Whereas the Secretary has reason to believe that an amendment of said marketing agreement and said order will tend to effectuate the declared policy of Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937; and

Whereas under the aforesaid act, notice of hearing is required in connection with a proposal to amend an order, and the General Regulations, Series A, No. 1, as amended,² of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for notice and opportunity for hearing upon amendments to marketing agreements and orders:

Now, therefore, pursuant to said act and general regulations, notice is hereby given of a hearing to be held on said proposals to amend the marketing agreement and Order No. 34 regulating the handling of milk in the Lowell-Lawrence,

¹ 4 F. R. 601 DI.

² 1 F. R. 155.

Massachusetts, marketing area, in Liberty Hall Municipal Auditorium, Lowell, Massachusetts, beginning at 10:00 a. m., e. s. t., on October 7, 1939.

This public hearing is for the purpose of receiving evidence as to the necessity for (1) clarifying the definition of a producer, (2) revising the minimum Class I price, (3) including a provision regulating sales outside of the marketing area, (4) revising the marketing service deduction, (5) including a provision relating to adjustments in producer payments, (6) revising the deduction for administrative expenses, and (7) including a provision permitting special prices for milk sold to low income consumers.

Copies of the proposed amendments to said marketing agreement and said order may be obtained from the Hearing Clerk, Office of the Solicitor, in Room 0310 South Building, United States Department of Agriculture, Washington, D. C., or may be there inspected.

[SEAL] F. W. REICHELDERFER,
Acting Secretary of Agriculture.

Dated, September 30, 1939.

[F. R. Doc. 39-3635; Filed, October 2, 1939; 10:07 a. m.]

DEPARTMENT OF COMMERCE.

Bureau of Marine Inspection and Navigation.

NOTICE OF MEETING OF EXECUTIVE COMMITTEE OF THE BOARD OF SUPERVISING INSPECTORS

Pursuant to authority conferred by Section 4405, R. S., I hereby call a meeting of the Executive Committee of the Board of Supervising Inspectors of the Bureau of Marine Inspection and Navigation, consisting of R. S. Field, Director; George Fried, Supervising Inspector, Second District; and Chester W. Willett, Supervising Inspector of the Sixth District, to take place in the office of the Supervising Inspector of the Second District, 45 Broadway, New York City, beginning at 9 a. m., Tuesday, October 10, 1939, for the purpose of considering approval of miscellaneous items of equipment and for the transaction of such other business as may come before the meeting.

[SEAL] J. M. JOHNSON,
Acting Secretary of Commerce.

SEPTEMBER 30, 1939.

[F. R. Doc. 39-3640; Filed, October 2, 1939; 12:07 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learn-

ers in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective October 3, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

NAME AND ADDRESS OF FIRM

Bogle-Watkins Corporation, Greensboro, North Carolina.

Colonial Knitting Mills, Inc., Cape May Court House, New Jersey (5 learners).

Great American Knitting Mills, Inc., Bechtelsville and Bally, Pennsylvania.

Kenmore Hosiery Company, Fredericksburg, Virginia.

Kenosha Full Fashioned Mills, Inc., Kenosha, Wisconsin (19 learners).

Kiser Hosiery Mill, Hickory, North Carolina (3 learners).

Varina Knitting Company, Varina, North Carolina (5 learners).

Wilson, Rufus D., Inc., Burlington, North Carolina.

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 2nd day of October 1939.

MERLE D. VINCENT,
Chief, Hearings and
Exemptions Section.

[F. R. Doc. 39-3647; Filed, October 2, 1939; 1:08 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective October 3, 1939, to June 3, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]

NAME AND ADDRESS OF FIRM

Alabama Hosiery Mills, Inc., Decatur, Alabama (42 learners).

Auburn Hosiery Mills, Auburn, Kentucky (9 learners).

Clarke Mills, Jackson, Alabama (60 learners).

Crewe Hosiery Company, Inc., Crewe, Virginia (48 learners).

Durant Manufacturing Company, Durant, Mississippi (29 learners).

Clay County Products Company, Inc., Green Cove Springs, Florida (40 learners).

Francis-Louise Full Fashion Mills, Inc., Valdeese, North Carolina (8 learners).

Grayson Full Fashioned Hosiery Mills, Independence, Virginia (80 learners).

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 2nd day of October 1939.

MERLE D. VINCENT,
Chief, Hearings and
Exemptions Section.

[F. R. Doc. 39-3646; Filed, October 2, 1939; 1:08 p. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 238]

IN THE MATTER OF THE APPLICATION OF AMERICAN EXPORT AIRLINES, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (D) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

Public hearing in the above-entitled proceeding, being the application of American Export Airlines, Inc., for a certificate of public convenience and necessity authorizing air transportation between the United States and France, now assigned for October 10, 1939, is hereby postponed until October 30, 1939, 10 o'clock a. m. (Eastern Standard Time) at the Raleigh Hotel, 12th and Pennsylvania Avenue NW., Washington, D. C., before an Examiner.

Dated Washington, D. C., September 30, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-3641; Filed, October 2, 1939; 12:37 p. m.]

[Docket No. 7-401 (E)-1]

IN THE MATTER OF THE APPLICATION OF MARQUETTE AIRLINES, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) (1) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF REARGUMENT

At a session of the Civil Aeronautics Authority held in the City of Washington, D. C., on the 28th day of September 1939.

The above-entitled proceeding is assigned for reargument on October 5, 1939, at 10 o'clock a. m. (Eastern Standard Time) at the offices of the Civil Aeronautics Authority in Washington, D. C.

Dated, Washington, D. C., September 29, 1939.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-3642; Filed, October 2, 1939; 12:37 p. m.]

Air Safety Board.

[Docket No. 6]

IN THE MATTER OF INVESTIGATION, UNDER SECTIONS 702 (A) (2) AND 702 (C) OF THE CIVIL AERONAUTICS ACT OF 1938, OF ACCIDENT INVOLVING AIRCRAFT OF UNITED STATES REGISTRY NC 16051, WHICH OCCURRED NEAR EAST HARTFORD, CONNECTICUT ON AUGUST 15, 1939

NOTICE OF HEARING

A hearing having been ordered by the Air Safety Board in the above entitled matter, subject to the assignment of the undersigned Examiner, such is hereby

¹ 4 F.R. 3686 DI.

assigned for public hearing on October 17, 1939, at 9:30 A. M. (EST), at the Post Office Building, Hartford, Connecticut.

Dated, Washington, D. C., September 30, 1939.

[SEAL] FRED M. GLASS,
Examiner.

[F. R. Doc. 39-3643; Filed, October 2, 1939; 12:37 p. m.]

FEDERAL HOUSING ADMINISTRATION.

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY, OF 2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES B

To Holders of 2¾ Percent Mutual Mortgage Insurance Fund Debentures, Series B.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Mutual Mortgage Insurance Fund debentures, Series B, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1940, on which date interest on such debentures shall cease:

Denomination	Serial numbers (all numbers inclusive)	
	Regular series	Star series
\$50	107 to 247	
\$100	348 to 773	
\$500	154 to 476	14 and 15
\$1,000	501 to 1042	
\$5,000	21 to 64	3
\$10,000	5 to 8	

The debentures first issued, as determined by the serial numbers, were selected for redemption by the Federal Housing Administrator, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1939. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1939, and provision will be made for the payment of final interest due January 1, 1940, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Federal Housing Administrator hereby offers to purchase any called debentures at any time from October 1, to January 1, 1940, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1940, or for pur-

chase prior to that date will be given by the Secretary of the Treasury.

[SEAL] ABNER H. FERGUSON,
Acting Federal Housing Administrator.

Approved, September 30th, 1939.

JOHN W. HANES,
Acting Secretary of the Treasury.

[F. R. Doc. 39-3629; Filed, September 30, 1939; 12:10 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of September, A. D. 1939.

[File No. 60-7]

IN THE MATTER OF MANCHESTER GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

The Commission having reasonable cause to believe that Manchester Gas Company, whose address is 810 Elm Street, Manchester, New Hampshire, stands in such relationship to The United Gas Improvement Company, and The United Corporation,

And each of such companies, that the management or policies of Manchester Gas Company are subject to a controlling influence, directly or indirectly, by The United Gas Improvement Company and The United Corporation, and each of such companies, (either alone or pursuant to an arrangement or understanding with one or more other persons) so as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that Manchester Gas Company be subject to the obligations, duties, and liabilities imposed in the Public Utility Holding Company Act of 1935 upon subsidiary companies of holding companies,

It is ordered, Pursuant to Section 2 (a) (8) (B) of said Act that a hearing be held to determine whether such relationship exists, and if such relationship is found to exist, to declare Manchester Gas Company to be a subsidiary of The United Gas Improvement Company and The United Corporation.

It is further ordered, That such hearing be held on October 24, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hear-

ing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to Manchester Gas Company and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 19, 1939.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3636; Filed, October 2, 1939;
11:30 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29 day of September, A. D. 1939.

[File No. 31-438]

**IN THE MATTER OF MANCHESTER GAS
COMPANY**

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 2 (a) (8) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on October 24, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 19, 1939.

The matter concerned herewith is in regard to an application for an order declaring that Manchester Gas Company is not a subsidiary of The United Gas Improvement Company or of The United Corporation.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3637; Filed, October 2, 1939;
11:30 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of September, A. D. 1939.

[File Nos. 31-438, 60-7]

**IN THE MATTER OF MANCHESTER GAS
COMPANY**

ORDER FOR CONSOLIDATION OF HEARINGS

The Commission now having pending before it the following related matters:

(1) File No. 31-438—Application by Manchester Gas Company pursuant to section 2 (a) (8) (A) of the Public Utility Holding Company Act of 1935 for an order declaring that it is not a subsidiary of The United Gas Improvement Company and The United Corporation.

(2) File No. 60-7—Proceeding instituted by the Commission pursuant to section 2 (a) (8) (B) of said Act to determine whether Manchester Gas Company should be declared to be a subsidiary of The United Gas Improvement Company and The United Corporation.

It appearing that such proceedings involve common questions of law and fact and that evidence offered in respect to each matter may have a bearing on the other; that the parties in the respective matters are the same; and that substantial saving in time, effort and expense will result if the hearings on said matters are consolidated so that they may be heard as one matter and so that evidence adduced in each matter may

stand as evidence in the other for all purposes.

It is ordered, That the matters referred to in (1) and (2) hereof, Commission's File Nos. 31-438 and 60-7, be and they hereby are consolidated for the purpose of hearings thereon. The Commission reserves the right, if at any time it may appear conducive to an orderly and economic disposition of either of such matters, to order a separate hearing with respect to the same or any part thereof, or to close the record with respect thereto and/or to take action thereon prior to closing the record on said other matter.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3638; Filed, October 2, 1939;
11:30 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of September, A. D. 1939.

[File No. 1-2557]

IN THE MATTER OF PROCEEDING TO DETERMINE WHETHER THE REGISTRATION OF WASSERWIRTSCHAFT IM RHEINISCH-WESTFALISCHEN INDUSTRIEGEBIET (RUHR-KOHLENSEZIRK) G.M.B.H. (RHINE-RUHR WATER SERVICE UNION) 25-YEAR SINKING FUND 6% EXTERNAL GOLD DEBENTURES DUE JANUARY 1, 1953, SHOULD BE SUSPENDED OR WITHDRAWN

ORDER DISMISSING PROCEEDINGS

The Commission having heretofore ordered that a hearing under Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, be held in this matter on July 10, 1939, at the office of the Securities and Exchange Commission, Washington, D. C., and such hearing having been duly held; and

The registrant having on September 12, 1939, filed its annual reports for the years ended December 31, 1936, and December 31, 1937;

It is ordered, That the proceedings heretofore instituted in this matter pursuant to said Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, be, and the same hereby are, dismissed.

By direction of the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3644; Filed, October 2, 1939;
12:56 p. m.]